

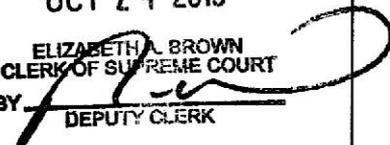
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BINGJIAN ZHANG,  
Appellant,  
vs.  
NATIONSTAR MORTGAGE, LLC, A  
DELAWARE LIMITED LIABILITY  
COMPANY REGISTERED WITH THE  
NEVADA SECRETARY OF STATE,  
Respondent.

No. 76725-COA

**FILED**

OCT 24 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Bingjian Zhang appeals from a district court summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

The original owner of the subject property failed to make periodic payments to his homeowners' association (HOA). The HOA recorded a notice of delinquent assessments and later a notice of default and election to sell to collect on the past due assessments and other fees pursuant to NRS Chapter 116. Respondent Nationstar Mortgage, LLC, tendered payment to the HOA foreclosure agent for an amount exceeding nine months of past due assessments, and the HOA's agent accepted. Nevertheless, the HOA proceeded with its foreclosure sale.

Zhang later acquired the property from the successor in interest of the entity that purchased it at the HOA foreclosure sale. Zhang and Nationstar then filed counterclaims seeking, among other things, to quiet title to the property. Nationstar later moved for summary judgment, which the district court granted, concluding that the tender extinguished the superpriority portion of the HOA's lien and that the property remained subject to the first deed of trust. This appeal followed.

This court reviews a district court's order granting summary judgment de novo. *See Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence must be viewed in a light most favorable to the nonmoving party. *Id.* General allegations and conclusory statements do not create genuine issues of fact. *Id.* at 731, 121 P.3d at 1030-31.

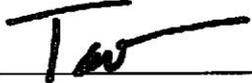
On appeal, Zhang asserts that there is no evidence of the HOA applying the tender to the superpriority portion of its lien and that the district court therefore erred in granting Nationstar summary judgment under *Saticoy Bay LLC Series 2141 Golden Hill v. JPMorgan Chase Bank, N.A.*, Docket No. 71246 (Order of Affirmance, December 22, 2017). But *Golden Hill* is an unpublished disposition and thus it is not binding precedent upon this court. NRAP 36(c)(3) (providing that the supreme court's unpublished orders entered after January 1, 2016, are only citable for their persuasive value). And regardless, *Golden Hill* does not hold that an HOA's superpriority lien is *only* satisfied when the HOA allocates payments to the superpriority portion of the underlying default. To the contrary, *Golden Hill* simply determined that the superpriority portion of an HOA's lien was satisfied when a former homeowner/debtor made payments sufficient to satisfy the lien and the HOA allocated the payments to the superpriority portion of the underlying default. Docket No. 71246 (Order of Affirmance, December 22, 2017).

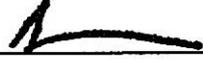
In contrast, the present case involves a tender to the HOA of an amount exceeding nine months of past due assessments by the holder of the

first deed of trust. And under that circumstance, the supreme court has explained that a tender, regardless of whether it is accepted, cures the default as to the superpriority portion of the HOA's lien and renders any subsequent foreclosure sale void as to the superpriority portion. *See Bank of Am., N.A. v. SFR Invs. Pool 1, LLC*, 134 Nev. 604, 612, 427 P.3d 113, 121 (2018). And because the record reflects that Nationstar tendered an amount sufficient to satisfy the superpriority portion of the HOA's lien, we conclude that the property remained subject to the first deed of trust, *id.* at 605, 427 P.3d at 116, and that the district court therefore did not err in granting Nationstar summary judgment. *See Wood*, 121 Nev. at 729, 121 P.3d at 1029. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Gloria Sturman, District Judge  
Hong & Hong  
Akerman LLP/Las Vegas  
Eighth District Court Clerk