

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IRIS WU,  
Appellant,  
vs.  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,  
Respondent.

No. 78703-COA

**FILED**

**MAY 27 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Iris Wu appeals from a district court order granting a motion for summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

The original owners of the subject property failed to make periodic payments to their homeowners' association (HOA). The HOA recorded a notice of delinquent assessment lien 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. Wu purchased the property at the resulting foreclosure sale and filed the underlying action seeking to quiet title against the entity that held the first deed of trust on the property at the time. After acquiring the first deed of trust, respondent Federal National Mortgage Association (Fannie Mae) substituted into the action in place of its predecessor and counterclaimed to quiet title. Fannie Mae eventually

moved for summary judgment, and the district court ruled in favor of Fannie Mae, finding that it owned the underlying loan at the time of the foreclosure sale such that 12 U.S.C. § 4617(j)(3) (the Federal Foreclosure Bar) prevented the foreclosure sale from extinguishing the deed of trust. This appeal followed.


This court reviews a district court's order granting summary judgment de novo. *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.

Wu's only argument on appeal with respect to the Federal Foreclosure Bar is that Fannie Mae implicitly consented to having its interest in the property extinguished by issuing a public statement concerning the priority of HOA superpriority liens relative to its own liens. But the supreme court has held that the Federal Foreclosure Bar prevents extinguishment of the property interests of regulated entities under Federal Housing Finance Agency (FHFA) conservatorship without affirmative FHFA consent. *See Saticoy Bay LLC Series 9641 Christine View v. Fed.*

*Nat'l Mortg. Ass'n*, 134 Nev. 270, 273-74, 417 P.3d 363, 367-68 (2018). And because Wu has not identified anything in the record to establish affirmative consent, no genuine issue of material fact exists to prevent summary judgment in favor of Fannie Mae, *see Wood*, 121 Nev. at 729, 121 P.3d at 1029, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Chief Judge, Eighth Judicial District Court  
Hon. J. Charles Thompson, Senior Judge  
Hong & Hong  
Wright, Finlay & Zak, LLP/Las Vegas  
Fennemore Craig P.C./Reno  
Eighth District Court Clerk