

IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY LLC SERIES 10717
REFECTORY,
Appellant,
vs.
BANK OF AMERICA, N.A.,
Respondent.

No. 82153

FILED

NOV 10 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CLERK

ORDER OF AFFIRMANCE

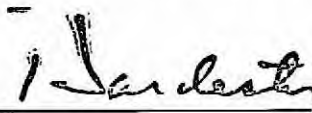
This is an appeal from a district court order granting summary judgment in an action to quiet title. Eighth Judicial District Court, Clark County; James Crockett, Judge.¹

The district court granted summary judgment for respondent and denied appellant's request to file an amended complaint asserting NRS 106.240 as a basis for relief. In so doing, it determined that amendment would be futile in light of this court's decision in *Glass v. Select Portfolio Servicing, Inc.*, Docket No. 78325, Order of Affirmance, at *2-3 (July 1, 2020), which held that a Notice of Rescission rescinding a previously recorded Notice of Default "effectively cancelled the acceleration" triggered by the Notice of Default, such that NRS 106.240's 10-year period was reset.

On appeal, appellant contends that (1) it did not need to file an amended complaint to assert NRS 106.240 as a basis for relief; and (2) the Notice of Rescission in this case is different from the Notice of Rescission in *Glass*, such that the Notice of Rescission in this case did not cancel the acceleration. While we find appellant's first argument dubious, we need not

¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

conclusively resolve it, as appellant's second argument is simply inaccurate. The Notice of Rescission in this case is substantively identical to the Notice of Rescission in *Glass*. Accordingly, the district court correctly determined that the Notice of Rescission here had the same effect.² Accordingly, we ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Hardesty


_____, J.
Cadish


_____, Sr. J.
Gibbons

cc: Hon. James Crockett, District Judge
Ara H. Shirinian, Settlement Judge
Roger P. Croteau & Associates, Ltd.
Akerman LLP/Las Vegas
Eighth District Court Clerk

²To the extent appellant argues that the district court should have ordered an accounting reflecting a zero balance on the secured loan, this argument is meritless.

³The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.