

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROSALIE MASKIL, AN INDIVIDUAL,
Appellant,
vs.
NOW CAPITAL INVESTMENT GROUP,
LLC,
Respondent.

No. 82043-COA

FILED

NOV 15 2021

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

ORDER OF AFFIRMANCE

Rosalie Maskil appeals from a district court summary judgment, certified as final pursuant to NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

The original owner of the subject property died in 2010, and in the probate proceeding that followed, seven beneficiaries received fractional interests in the property. A lengthy period ensued in which the beneficiaries did not reside on the property or pay the taxes that were assessed against it. Eventually, in 2019 and 2020, a series of transfers were effectuated that resulted in respondent Now Capital Investment Group, LLC (NCIG), acquiring an interest in the property from the beneficiaries. NCIG then discovered that Maskil and James Houchin, who is not a party to this appeal, were residing on the property. As a result, NCIG commenced the underlying proceeding against Maskil and Houchin, seeking to, as relevant here, quiet title to the property. Maskil and Houchin, in turn, commenced a separate proceeding against NCIG in which they likewise sought to quiet title to the subject property. In particular, Maskil and Houchin alleged that they resided on the property since at least November 2014, made various payments toward the taxes that were assessed against

it since 2014, and, therefore, had superior title to the property by way of adverse possession pursuant to NRS 11.130 through NRS 11.150.

After the two proceedings were consolidated, NCIG moved for summary judgment, which Maskil and Houchin opposed. Maskil and Houchin's dispute with NCIG primarily concerned whether they paid all of the state, county, and municipal taxes that were assessed against the property during the five-year period of occupation on which their adverse possession theory was based, which was a requirement to prevail on the theory. See NRS 11.150 (setting forth this requirement); *Potts v. Vokits*, 101 Nev. 90, 93, 692 P.2d 1304, 1306 (1985) (stating the same). The district court concluded that, because NCIG made several payments that satisfied at least part of the amount at issue, Maskil and Houchin could not establish that they paid all the taxes for the relevant period regardless of whether they were granted leave under NRCP 56(d) to conduct additional discovery concerning the matter.¹ Thus, the district court granted summary judgment in NCIG's favor. This appeal by Maskil 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 dispute of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.*

¹In reaching this conclusion, the district court reasoned that, for purposes of NRS 11.150, the term "taxes" includes any taxes assessed against the property during the relevant period of occupation as well as any penalties and interest associated with a delinquency on those taxes. Although Maskil disputed this point below, she abandoned the issue on appeal by failing to raise it in her informal brief, and we therefore express no opinion on the matter.

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 disputes of fact. *Id.* at 731, 121 P.3d at 1030-31.

Initially, Maskil contends that the district court failed to consider an alternate argument that she presented below, which was essentially that NCIG lacked standing to bring its quiet title claim because it did not acquire the fractional interests in the property of two of the beneficiaries of the original owner's estate. This was so, according to Maskil, because there was a purportedly fraudulent grant, bargain, and sale deed in the chain of title for each of those interests. Although the district court did not make specific findings concerning this issue in its written order granting NCIG's motion for summary judgment, the minutes from the in-chambers hearing on the motion, which were transmitted to this court pursuant to NRAP 3(g), reflect that the court considered the issue. *See Knox v. Dick*, 99 Nev. 514, 517, 665 P.2d 267, 269 (1983) (looking to district court minutes to interpret a summary judgment order in the absence of specific findings in the order). In particular, the district court reasoned that the purportedly fraudulent conveyances had no bearing on this case because Maskil did not dispute that NCIG acquired the fractional interests of the remaining five beneficiaries, and could not establish that NCIG lacked standing to bring its quiet title claim as a result.

And the district court correctly determined that NCIG had standing to maintain its quiet title claim since, regardless of these disputed conveyances, NCIG still had a fractional interest in the property that was undisputed. *See* NRS 40.010 (providing that a quiet title action "may be brought by any person against another who claims an estate or interest in

real property, adverse to the person bringing the action, for the purpose of determining such adverse claim”); *Daly v. Lahontan Mines Co.*, 39 Nev. 14, 23, 151 P. 514, 516 (1915) (explaining that a plaintiff must have rights to real property to maintain a quiet title action); *see also Untalan v. All. Bancorp*, No. 11-00422 SOM/BMK, 2011 WL 4704232, at *8 (D. Haw. Oct. 4, 2011) (concluding that a plaintiff had standing to bring a quiet title claim because she had a 50 percent interest in the property at issue). As a result, Maskil has not established a basis for relief in this regard.²

Turning to her adverse possession theory, Maskil seeks reversal on the basis that the district court failed to consider that the property could have been subject to foreclosure by the Clark County Treasurer if she did not make the property tax payments that she did. But with respect to Maskil’s adverse possession claim, the relevant question was whether she paid *all* of the state, county, and municipal taxes that were assessed against the property for the five-year period of occupation supporting her claim. *See* NRS 11.150; *Potts*, 101 Nev. at 93, 692 P.2d at 1306. The district court found that Maskil did not, and because she does not present any argument or explanation to challenge that finding, *see Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (noting that issues not raised on appeal are deemed waived); *see also Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006)

²Maskil expands on her standing argument on appeal insofar as she asserts that NCIG did not obtain the fractional interests of six of the seven beneficiaries, including the two discussed above, because a grant, bargain, and sale deed in the chain of title for each of those interests listed the incorrect street address for the property. This does not change our conclusion, however, because Maskil does not dispute that NCIG obtained the fractional interest of the seventh beneficiary.

(noting that the appellate courts need not consider issues unsupported by cogent argument), she has failed to demonstrate that the district court erred by granting NCIG's motion for summary judgment. *See Wood*, 121 Nev. at 729, 121 P.3d at 1029. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 32
Rosalie Maskil
Marquis Aurbach Coffing
Eighth District Court Clerk

³Insofar as Maskil raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given our disposition of this appeal.