

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES N. BELSSNER,
Appellant,
vs.
WELLS FARGO HOME MORTGAGE,
Respondent.

No. 89223-COA

FILED

JUN 05 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Charles N. Belssner appeals from a district court order dismissing his complaint for failure to perfect service of process in a civil action. Eighth Judicial District Court, Clark County; Danielle K. Pieper, Judge.

Belssner initiated the underlying civil action against Wells Fargo Home Mortgage (Wells Fargo) on December 27, 2022. Belssner subsequently purported to serve Wells Fargo with process in the underlying case by serving the Iowa Secretary of State. Specifically, the affidavit of service contained in the record states that a “registered agent” was delivered a copy of the summons and complaint at the address of the “Iowa Secretary of State, 321 E 12th Street, Des Moines, IA 50319 on behalf of Wells Fargo Home Mortgage.” (emphasis omitted).

When Wells Fargo did not file a responsive pleading, Belssner filed a motion for default judgment in August 2023 based on Wells Fargo’s failure to answer the complaint. On October 3, 2023, the district court held a hearing and denied Belssner’s motion for default judgment without

prejudice, noting that Belssner had failed to file an application for default and entered a subsequent order on this basis. Belssner then filed an application for default and a subsequent motion for a status check, noting that he had prepared and filed an application for default and requested that the district court enter a default judgment. The district court subsequently issued a January 11, 2024, minute order noting that Belssner's "Default Judgment application has not been filed with proper service upon Defendant's Registered Agent" and thus the district court continued the matter for 60 days. On January 20, an affidavit of service was filed indicating that the "[default/prove up hearing]" documents were served on the "[Clerk for Wells Fargo Home Mortgage]" at the same Iowa Secretary of State address noted above. During a March 2024 hearing, the district court again noted "the lack of service to all parties" and continued the matter for another 90 days. Belssner later filed various additional pleadings requesting a status check that were once again served at the same Iowa Secretary of State address.

The district court held a status check hearing in July 2024, where the minutes reflect that the district court orally noted Belssner had attempted to serve Wells Fargo by "serving the Iowa Secretary of State," and that "Mr. Belssner concurred" with that statement. The district court further noted that Belssner had not properly served Wells Fargo, and thus, it announced its intent to dismiss the case based on Belssner's failure to properly serve Wells Fargo. The district court subsequently entered an order dismissing the case on this basis, concluding that Belssner failed to

effectuate proper service within 120 days pursuant to NRCP 4(e)(1).¹ See NRCP 4(e)(2). This appeal followed.

We review the dismissal of a case for failure to effect timely service of process for an abuse of discretion. *Moroney v. Young*, 138 Nev. 769, 770, 520 P.3d 358, 361 (2022).

On appeal, Belssner's informal brief consists of only a single sentence of argument asserting that "FROM DEFENDANT, TO SECRETARY OF STATE OF IOWA TO [NATIONAL] ASSOCIATION OF PROCESS SERVER-DEFENDANT WAS PROPERLY [SERVED] BY THE SECRETARY OF THE STATE OF IOWA & FILED WITH THE COURT OVER COURSE OF LITIGATION[.]" But Belssner fails to offer any explanation or argument to support his bald assertion that service was properly effectuated on Wells Fargo by serving the Iowa Secretary of State. Instead, Belssner's summary argument simply disagrees with the district court's determination that he failed to properly serve Wells Fargo.


Here, the record demonstrates that, pursuant to NRCP 4(e)(1), more than 120 days had passed from the filing of the complaint at the time the district court dismissed Belssner's case for failure to perfect service of process under NRCP 4(e)(2). And because Belssner offers no cogent argument as to why he believes the district court incorrectly determined he failed to properly perfect service of process on Wells Fargo and dismissed his case on that basis, he has not demonstrated that the district court

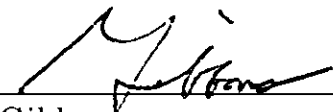
¹Although the district court's dismissal order is silent on this point, under NRCP 4(e)(2) any dismissal of an action for failure to perfect service of process is, by rule, without prejudice.


abused its discretion in making this determination. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d. 1280, 1288 n.38 (2006) (declining to consider issues that are not supported by cogent argument); *Moroney*, 138 Nev. at 770, 520 P.3d at 361 (reviewing service-based dismissal for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Danielle K. Pieper, District Judge
Charles N. Belssner
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk