

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARNULFO FLORES; AND LETICIA  
FLORES,  
Appellants,  
vs.  
BANK OF AMERICA, N.A.; AND  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION (FANNIE MAE),  
Respondents.

No. 60282

**FILED**

**DEC 13 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY K. Malone  
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court order denying a petition for judicial review in a Foreclosure Mediation Program (FMP) matter. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

After an unsuccessful mediation, appellants filed a petition for judicial review. Appellants argued that respondent Bank of America, N.A., the loan servicer for respondent Fannie Mae, failed to produce certified copies of the original note, deed of trust, and an assignment at the mediation. The district court agreed and imposed monetary sanctions on Bank of America. Nonetheless, the district court determined that, upon payment of the sanctions, an FMP certificate would issue. This appeal followed.

Appellants contend that the district court abused its discretion by concluding that an FMP certificate could issue after the sanctions were paid. We agree. *See Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. \_\_\_, \_\_\_, 266 P.3d 602, 607 (2011) (“[D]enial of an FMP certificate follows automatically from a finding that the statutory FMP requirements have been shirked . . . . [A] district court abuses its discretion if it does *not* order the FMP certificate withheld for noncompliance with the FMP requirements.”

(citations omitted)); *Leyva v. Nat'l Default Servicing Corp.*, 127 Nev. \_\_\_, \_\_\_, 255 P.3d 1275, 1276-77 (2011) ("Failure to [produce the required documents] is a sanctionable offense, and the district court is prohibited from allowing the foreclosure process to proceed.").

Accordingly, we reverse the district court's order denying appellants' petition for judicial review insofar as it permitted an FMP certificate to be issued, and we remand this case to the district court for further proceedings consistent with this order.<sup>1</sup>

It is so ORDERED.

Pickering, C.J.  
Pickering

Hardesty, J.  
Hardesty

Cherry, J.  
Cherry

cc: Hon. Patrick Flanagan, District Judge  
Mark L. Mausert  
Akerman Senterfitt/Las Vegas  
Washoe District Court Clerk

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<sup>1</sup>In light of our disposition, we need not address appellants' remaining arguments.