

IN THE SUPREME COURT OF THE STATE OF NEVADA

EMILIANO PASILLAS; AND YVETTE
PASILLAS,
Appellants,
vs.
HSBC BANK USA AS TRUSTEE FOR
LUMINENT MORTGAGE TRUST;
POWER DEFAULT SERVICES; AND
AMERICAN HOME MORTGAGE
SERVICING, INC.,
Respondents.

No. 61085

FILED

SEP 20 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angers*
DEPUTY CLERK

*ORDER AFFIRMING IN PART,
REVERSING IN PART, AND REMANDING*


This is a proper person 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.

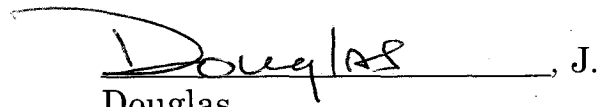
In an appeal from a district court order granting or denying judicial review in an FMP matter, this court defers to the district court's factual determinations and reviews de novo the district court's legal determinations. *Edelstein v. Bank of N.Y. Mellon*, 128 Nev. ___, ___, 286 P.3d 249, 260 (2012).

Appellants contend that the district court erred in awarding sanctions payable to Washoe Legal Services instead of to appellants. We agree, as the FMP statute and this court's caselaw contemplate that monetary sanctions are to be awarded to the opposing party. Accordingly, we reverse the district court's November 10, 2011, order imposing sanctions and direct the district court on remand to determine an appropriate sanction to be made payable to appellants.

To the extent that appellants raise other arguments concerning the most recent mediation and petition for judicial review, we have reviewed the record and conclude that the district court properly ordered the issuance of an FMP certificate. NRS 107.086(4); *Leyva v. Nat'l Default Servicing Corp.*, 127 Nev. ___, ___, 255 P.3d 1275, 1278-79 (2011); *Edelstein*, 128 Nev. at ___, 286 P.3d at 260. Thus, we affirm the district court's order denying appellants' petition for judicial review. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


Gibbons


Douglas


Saitta

cc: Hon. Patrick Flanagan, District Judge
Emiliano Pasillas
Yvette Pasillas
Pite Duncan, LLP
Washoe District Court Clerk