

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATIONSTAR MORTGAGE, LLC,  
Appellant,  
vs.  
PREMIER ONE HOLDINGS, INC.,  
Respondent.

No. 67722

**FILED**

**MAR 18 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

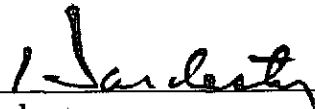
*ORDER VACATING AND REMANDING*


This is an appeal from a district court summary judgment, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

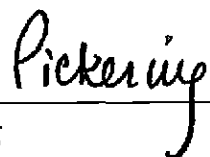
In *Shadow Wood Homeowners Ass'n, Inc. v. New York Community Bancorp, Inc.*, 132 Nev., Adv. Op. 5, \_\_\_ P.3d \_\_\_ (2016), this court recognized that a quiet title action is equitable in nature and, as such, a court must consider the “entirety of the circumstances that bear upon the equities.” In particular, we noted that a deed of trust beneficiary’s tender of the purported superpriority portion of an HOA’s lien is a relevant consideration when determining whether an HOA foreclosure sale extinguishes the deed of trust. Here, the district court granted summary judgment in favor of respondent without addressing how the HOA’s rejection of the tender that was made by appellant’s

predecessor bore upon the equities. Thus, we conclude that summary judgment in respondent's favor may not have been proper, and we

ORDER the judgment of the district court VACATED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Adriana Escobar, District Judge  
Phillip Aurbach, Settlement Judge  
Akerman LLP/Las Vegas  
Hong & Hong  
Eighth District Court Clerk