

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FLORDELISA BETHEA,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC,
Respondent.

No. 68510

FILED

JUL 13 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Hendrich*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying judicial review in a foreclosure mediation matter. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

After an unsuccessful mediation conducted pursuant to Nevada's Foreclosure Mediation Program (FMP), appellant filed a petition for judicial review in the district court arguing that respondent failed to provide properly certified copies of the deed of trust, mortgage note, and endorsement of the mortgage note as required by the Foreclosure Mediation Rules (FMRs). The district court found that respondent complied with the document production requirements and denied the petition. This appeal followed.

On appeal, appellant raises the same argument that she did in the district court—specifically, she argues that FMR 12(7) and (8),¹ when read together, require that a notary be presented with the original

¹Because the mediation in this matter took place on March 4, 2015, all the FMRs cited herein refer to the version of the FMRs that became effective on April 1, 2014. See ADKT No. 0435 (Order Amending Foreclosure Mediation Rules and Forms, February 25, 2014) (making the amendments effective as of April 1, 2014).

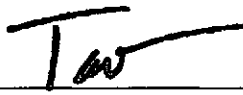
document and that the notary be the one that makes the certified copy. See NRS 240.1655(2)(c) (stating what a notary must do to make a certified copy of a document). According to appellant, this procedure was not followed here, but rather, a representative of respondent presented the copies to the notary and attested that they were true and correct copies of the originals which were in respondent's possession, and the notary then merely confirmed the representative's identity and that the representative's statements were made under oath. Without the notary making the certified copies, appellant argues that the FMRs were not satisfied, and a certificate should not have issued allowing the foreclosure to proceed. We disagree.

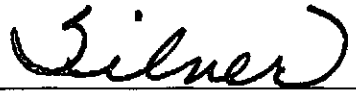
Pursuant to the FMRs, respondent was required to produce the originals or certified copies of the mortgage note, the deed of trust, and any assignments or endorsements of those instruments. FMR 12(7)(a). When producing certified copies to satisfy FMR 12(7)(a), FMR 12(8) requires that the lender provide "[a] statement under oath signed before a notary public pursuant to the provisions of NRS 240.1655(2)" attesting that, as is pertinent here, the copies are true and correct copies of the originals that are in the lender's possession. In this case, respondent provided the requisite information in a sworn statement signed before a notary, thus satisfying the FMRs. Respondent's certifications did not need to comply with subsection (c) of NRS 240.1655(2), as argued by appellant, when the notary's only function was to administer an oath under subsection (b) of that statute. See FMR 12(8)(a) (only requiring a sworn statement signed before a notary without any mention of the notary

making certified copies). Thus, the district court properly denied the petition for judicial review, and we affirm that decision.²

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
John Walter Boyer, Settlement Judge
Beck and Associates
Akerman LLP/Las Vegas
Eighth District Court Clerk

²Appellant also briefly argues that the recorded and certified copy of the assignment of the deed of trust presented at the mediation failed to comply with the FMRs. Because appellant failed to make cogent arguments as to this point or support it with relevant authority, we decline to consider it. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that arguments that are not cogently argued or supported by relevant authority on appeal need not be considered).