

IN THE SUPREME COURT OF THE STATE OF NEVADA

BAYVIEW LOAN SERVICING, LLC,
Appellant,
vs.
RJRN HOLDINGS, LLC,
Respondent.

No. 69502

FILED

JAN 06 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from findings of fact and conclusions of law granting summary judgment regarding the effect of NRS 116.31166. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Appellant has filed a motion for a ruling on this court's jurisdiction over this appeal. Appellant proposes that the notice of appeal is premature because the order appealed from is not a final judgment and resolves only the legal question of whether the recitals in the foreclosure deed satisfy the conclusive proof of notice requirements in NRS 116.31166(1)(a)-(c). NRAP 3A(b); *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Gas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). Respondent has filed a response in which it concurs that the order is not final, argues that this court lacks jurisdiction, and seeks attorney fees pursuant to NRAP 38.

Having considered the motion and response, the minutes of the district court, and the language of the order appealed from, we conclude that the parties are correct. The order grants partial summary judgment as to the single issue of whether the recitals in the foreclosure

deed satisfy the conclusive proof requirements of NRS 116.31166(1)(a)-(c).
The order is not final, and this court lacks jurisdiction over this appeal.
Accordingly, we

ORDER this appeal DISMISSED.¹

J. Hardesty, J.
Hardesty

P. Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Jessie Elizabeth Walsh, District Judge
Nathaniel Reed, Settlement Judge
Akerman LLP/Las Vegas
The Law Office of Mike Beede, PLLC
Eighth District Court Clerk

¹We decline to order attorney fees pursuant to NRAP 38. This court's jurisdictional rules are notoriously complex, and a party's effort to protect itself by filing a notice of appeal, except in extreme circumstances not present here, is not frivolous.