

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DIMITRITZA TOROMANOVA,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC; AND
CLEAR RECON CORP.,
Respondents.

No. 70910

FILED

APR 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Dimitritza Toromanova appeals from a district court order denying a petition for judicial review in a foreclosure mediation program (FMP) matter.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Respondent Nationstar Mortgage, LLC, served a notice of default and election to sell on Toromanova, and she opted to participate in the FMP. The first mediation in October 2015 was continued to late January 2016, but no agreement was reached at either mediation. The mediator found that Nationstar complied with its obligations, but that Toromanova had not, and recommended that a foreclosure certificate be issued. Toromanova petitioned for judicial review in the district court. Ultimately, the district court denied the petition, and this appeal followed.

¹With regard to respondent's argument that the district court lacked jurisdiction to consider the petition for review because it was untimely, respondent does not include any information about when Toromanova actually received the mediator's statement, and thus, respondent has not demonstrated the existence of a question as to whether Toromanova's petition was untimely. See FMR 23(3) (requiring a petition for review to "be filed within 30 days of the date that the party to mediation received the mediator statement").

On appeal, Toromanova asserts that Nationstar failed to provide the documentation required by FMR 13² and NRS 107.086(5). The record, however, includes properly certified copies of all of the required loan documents demonstrating that Nationstar was entitled to enforce those documents. *See* FMR 13(8) (setting forth the requirements for what constitutes a properly certified copy of a loan document in the FMP). Moreover, the mediator's statement indicates that Nationstar brought the properly certified copies to both mediations.³ Thus, we conclude that the district court properly found that Nationstar complied with the document production requirements. *See Jacinto v. PennyMac Corp.*, 129 Nev. 300, 304, 300 P.3d 724, 727 (2013) (explaining that an appellate "court gives deference to a district court's factual determinations" made in "granting or denying judicial review in an FMP matter").

Moreover, as Toromanova has not otherwise demonstrated that the district court abused its discretion by denying her petition for judicial review, we conclude that the district court did not abuse its discretion, *see Leyva v. Nat'l Default Servicing Corp.*, 127 Nev. 470, 480,


²The Foreclosure Mediation Rules were amended as of January 13, 2016, such that the October 2015 mediation was governed by the prior rules, while the January 2016 mediation was subject to the current version of the rules. The amendments did not substantively change any of the rules involved in this matter, however, and for ease of reference, all citations to the Foreclosure Mediation Rules in this order are to the current version of the rules.

³To the extent that Toromanova contends that Nationstar failed to provide her with the documents ten days prior to the October 2015 mediation, the record demonstrates that Nationstar at least provided the documents at the October 2015 mediation, such that they were provided well over ten days prior to the January 2016 mediation.

255 P.3d 1275, 1281 (2011) (reviewing a district court's denial of a petition for judicial review for an abuse of discretion), and we therefore affirm the district court's order.

It is so ORDERED.⁴


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

⁴Whether Nationstar complied with NRS 104.1304 is beyond the scope of an FMP petition for judicial review. See FMR 23(2) (setting forth the limited purposes for which a district court may hold a hearing on a petition for judicial review). Nevertheless, insofar as Toromanova contends that Nationstar exhibited bad faith by failing to prove it held the note and was entitled to enforce the loan documents, as discussed above, the record demonstrates that Nationstar provided certified copies of the loan documents demonstrating that it was the party entitled to enforce the documents, and Toromanova has not made any arguments demonstrating a question as to whether those documents were genuine. Indeed, while she makes certain allegations, such as that her signature on the deed of trust was forged, she does not provide any explanation or argument to support these bald allegations, and thus, we do not consider these points further in this order. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that points that are not supported by cogent argument need not be considered on appeal). And to the extent that Toromanova raises arguments in her informal brief not specifically addressed in this order, we have considered those arguments and conclude that they do not provide grounds for reversal of the district court's order.

cc: Hon. Kathleen E. Delaney, District Judge
Dimitritza Toromanova
Aldridge Pite, LLP
Akerman LLP/Las Vegas
Eighth District Court Clerk