

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS RENTAL & REPAIR, LLC  
SERIES 76, A NEVADA LIMITED  
LIABILITY COMPANY,  
Appellant,  
vs.  
JPMORGAN CHASE BANK, N.A.,  
Respondent.

No. 71388

FILED

JUN 15 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

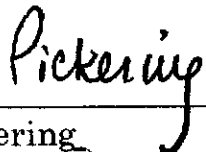
*ORDER VACATING JUDGMENT AND REMANDING*


This is an appeal from a district court order granting summary judgment in an action to quiet title. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge. Reviewing the summary judgment de novo, *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005), we vacate the district court's order and remand for further proceedings.

Appellant argues that the district court erred in concluding that NRS 116.3116-.31168 violate due process. We agree. *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortg.*, 133 Nev., Adv. Op. 5, 388 P.3d 970 (2017) (rejecting due-process challenge to NRS 116.3116-.31168 because the nonjudicial foreclosure of an HOA's lien for unpaid assessments does not constitute state action); *see also SFR Inv. Pool 1 v. U.S. Bank*, 130 Nev. 742, 756, 334 P.3d 408, 418 (2014) (observing that NRS 116.31168 (2013) incorporated NRS 107.090 (2013), which required that notices be sent to a deed of trust beneficiary); *id.* at 762, 334 P.3d at 422 (Gibbons, C.J., dissenting) (same); *Bourne Valley Court Tr. v. Wells Fargo*

*Bank, NA*, 832 F.3d 1154, 1163-64 (9th Cir. 2016) (Wallace, J., dissenting) (same).<sup>1</sup> Accordingly, we

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

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

  
\_\_\_\_\_, J.  
Gibbons

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

cc: Hon. Kenneth C. Cory, District Judge  
Michael H. Singer, Settlement Judge  
Clark Newberry Law Firm  
Smith Larsen & Wixom  
Eighth District Court Clerk

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<sup>1</sup>We decline to consider the parties' arguments related to appellant's motion to strike because the district court did not decide the motion on its merits; rather, the district court denied the motion to strike as moot in light of its decision to grant summary judgment in respondent's favor.