

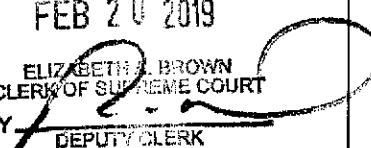
IN THE SUPREME COURT OF THE STATE OF NEVADA

A ORO, LLC,
Appellant,
vs.
DITECH FINANCIAL LLC; AND TREO
NORTH AND SOUTH HOMEOWNERS'
ASSOCIATION,
Respondents.

No. 73600

FILED

FEB 20 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting summary judgment in an action to quiet title. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. Reviewing the summary judgment orders de novo, *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005), we affirm.¹

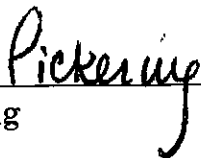
The district court correctly determined that respondent Ditech Financial's predecessor tendered \$3,737.99 to the HOA's agent, which undisputedly represented the superpriority portion of the HOA's lien. The tender of the defaulted superpriority portion of the HOA's lien therefore cured the default as to that portion of the lien such that the ensuing foreclosure sale did not extinguish the first deed of trust. *Bank of America, N.A. v. SFR Invs. Pool 1, LLC*, 134 Nev., Adv. Op. 72, 427 P.3d 113, 118-21 (2018). Although appellant contends that the tender was ineffective because Ditech's predecessor needed to record evidence of it, we recently rejected similar arguments. *Id.* Accordingly, the district court correctly

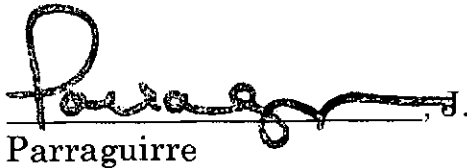
¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

determined that appellant took title to the property subject to the first deed of trust.

We also conclude that the district court correctly granted summary judgment for respondent Treo North and South Homeowners' Association on appellant's fraudulent nondisclosure claim. Among other reasons,² there is no evidence that Treo intended to induce appellant into placing the winning bid at the foreclosure sale, as Treo was unaware of appellant's assumptions regarding the legal effect of the sale. *Nelson v. Heer*, 123 Nev. 217, 225, 163 P.3d 420, 426 (2007) (setting forth the elements of a fraudulent nondisclosure claim). Accordingly, we

ORDER the judgments of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Michelle Leavitt, District Judge
Charles K. Hauser, Settlement Judge
The Wright Law Group
Wolfe & Wyman LLP
Boyack Orme & Anthony
Eighth District Court Clerk

²One such reason is that appellant has provided no legal support for the unorthodox proposition that the winning bidder at a foreclosure sale can bring a fraud claim against the auctioneer when the auctioneer's foreclosure notices have disclaimed any warranties as to the title being conveyed.