

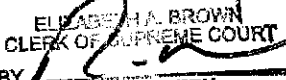
IN THE SUPREME COURT OF THE STATE OF NEVADA

BANK OF AMERICA, N.A.,
Appellant,
vs.
WHITE LANTERN, LLC,
Respondent.

No. 73948

FILED

FEB 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a final judgment in an action to quiet title. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge. Reviewing the challenged summary judgment order de novo, *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005), we reverse and remand.¹

The district court erroneously granted summary judgment for respondent, as appellant's agent tendered \$270 to the HOA's agent, which undisputedly represented 9 months of assessments. *See Bank of America, N.A. v. SFR Invs. Pool 1, LLC*, 134 Nev., Adv. Op. 72, 427 P.3d 113, 117 (2018) (stating that, as explained in prior decisions, "[a] plain reading of [NRS 116.3116(2) (2012)] indicates that the superpriority portion of an HOA lien includes only charges for maintenance and nuisance abatement, and nine months of unpaid [common expense] assessments"). The tender of the defaulted superpriority portion of the HOA's lien cured the default as to that portion of the lien such that the ensuing foreclosure sale did not extinguish the first deed of trust. *Id.* at 118-21.

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

Although respondent contends that the tender was ineffective because it imposed conditions and that respondent's predecessor is protected as a bona fide purchaser, we recently rejected similar arguments and respondent has not identified any condition that appellant's agent was not legally entitled to impose. *Id.* Accordingly, respondent took title to the property subject to the deed of trust. We therefore

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.²

Pickering, J.
Pickering

Parraguirre
Parraguirre

Cadish, J.
Cadish

cc: Hon. Joseph Hardy, Jr., District Judge
Akerman LLP/Las Vegas
Hong & Hong
Eighth District Court Clerk

²In light of this disposition, the post-judgment award of attorney fees is reversed as well.