

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HMLV CAPITAL, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,  
Appellant,  
vs.  
CITIMORTGAGE, INC., A DELAWARE  
CORPORATION,  
Respondent.

No. 69647

**FILED**

FEB 17 2017

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

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court order dismissing a real property action. Eighth Judicial District Court, Clark County; James Crockett, Judge.

Here, the district court summarily dismissed the underlying action without providing any explanation as to the basis for dismissal. Having considered the record and the parties' arguments, it appears that the court dismissed the action based on a bankruptcy court order relating to the subject real property, which provided that any sale of the property would be void if the buyer failed to record a copy of the order within 14 days of the sale. In addition to the bankruptcy court's order, which was submitted for consideration by respondent, appellant submitted additional documents to the district court in opposition to the motion to dismiss. The district court did not exclude these additional documents presented by appellant and, insofar as the documents were tied into appellant's

opposition arguments, it appears that the court considered them in deciding the motion to dismiss.

Thus, we conclude that the dismissal order was effectively an order for summary judgment. *See Montesano v. Donrey Media Grp.*, 99 Nev. 644, 648, 668 P.2d 1081, 1084 (1983) (discussing when a district court's order of dismissal should be treated as an order for summary judgment). The district court did not, however, include any statement of undisputed facts or conclusions of law in the challenged order. *See* NRCP 56(c) (requiring a summary judgment order to "set forth the undisputed material facts and legal determinations on which the court granted summary judgment").

In this case, the district court's failure to provide a statement of facts and conclusions of law precludes us from properly reviewing the order under the summary judgment standard. *See id.* (requiring the court to state the legal and factual reasons for its grant of summary judgment); *see also ASAP Storage, Inc. v. City of Sparks*, 123 Nev. 639, 656-57, 173 P.3d 734, 746 (2007) (reversing and remanding a portion of a district court order granting summary judgment because the order failed to set forth the undisputed material facts and legal determinations supporting its decision on the issue in question). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.<sup>1</sup>

Silver C.J.  
Silver

Tao J.  
Tao

Gibbons J.  
Gibbons

cc: Hon. James Crockett, District Judge  
Robert F. Saint-Aubin, Settlement Judge  
Law Offices of Mont E. Tanner  
Akerman LLP/Las Vegas  
Tiffany & Bosco, P. A.  
Eighth District Court Clerk

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<sup>1</sup>In light of our decision on this basis, we do not reach appellant's remaining arguments on appeal.