

IN THE SUPREME COURT OF THE STATE OF NEVADA

BANK OF AMERICA, N.A., AS
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP, F/K/A
COUNTRYWIDE HOME LOANS
SERVICING, LP,
Appellant,
vs.
CORNERSTONE HOMEOWNERS
ASSOCIATION,
Respondent.

No. 75584

FILED

APR 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

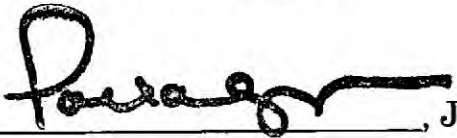
This is an appeal from a post-judgment order denying a request for attorney fees. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.¹

We conclude that the district court was within its discretion in determining that Bank of America did not litigate the underlying action as a “unit owner” for purposes of being eligible for attorney fees under Section 2.7 of the CC&Rs. See *Thomas v. City of N. Las Vegas*, 122 Nev. 82, 90, 127 P.3d 1057, 1063 (2006) (reviewing the denial of attorney fees for “a manifest abuse of discretion”). As the district court found, “the issues framed and tried in this case had to do with BANA’s status as an encumbrancer, not as a unit owner.” We also question how Bank of America’s September 16, 2015, Amended Answer, Affirmative Defenses, Counterclaims, and Cross-Claims constituted “commence[ment of] litigation to enforce” the CC&Rs for purposes of Section 2.7’s prevailing-party provision when that filing

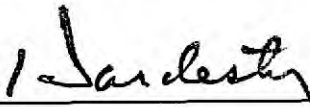
¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

contains no reference whatsoever to the CC&Rs. And Bank of America no longer is a "prevailing party" vis-à-vis Cornerstone Homeowners Association in light of the reversal of the money judgment against Cornerstone in *TRP Fund IV, LLC v. Bank of America, N.A.*, Docket No. 73669 (Order Affirming in Part, Reversing in Part and Remanding), which has been filed contemporaneously with this disposition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.

Parraguirre


_____, J.

Hardesty


_____, J.

Cadish

cc: Hon. Mark R. Denton, District Judge
Akerman LLP/Las Vegas
Lipson Neilson P.C.
Eighth District Court Clerk