

IN THE SUPREME COURT OF THE STATE OF NEVADA

LN MANAGEMENT LLC SERIES 1936
VIA FIRENZE,
Appellant,
vs.
PENNYMAC HOLDINGS, LLC,
Respondent.

No. 76083

FILED

APR 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

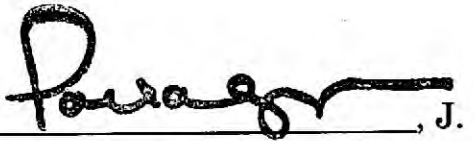
This is an appeal from a district court order granting summary judgment, certified as final under NRCP 54(b), in an action to quiet title. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge. Reviewing the summary judgment de novo, *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005), we reverse and remand.¹

The district court granted summary judgment for respondent, reasoning that the offer by respondent's predecessor to pay the superpriority portion of the HOA's lien, once that amount was determined, constituted a valid tender that effectively preserved the first deed of trust. We recently held in *7510 Perla Del Mar Avenue Trust v. Bank of America, N.A.*, 136 Nev., Adv. Op. 6, ___ P.3d ___ (2020), that an offer to pay without an actual payment is not a valid tender. Consequently, the basis for the district court's summary judgment was erroneous. We decline to consider respondent's alternative arguments in support of affirmance because those arguments were not considered by the district court. *See 9352 Cranesbill Tr. v. Wells Fargo Bank, N.A.*, 136 Nev., Adv. Op. 8, ___ P.3d ___ (2020)

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

(declining to address an issue that the district court did not resolve).
Accordingly, we

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


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Hon. Ronald J. Israel, District Judge
James A. Kohl, Settlement Judge
Kerry P. Faughnan
Akerman LLP/Las Vegas
Eighth District Court Clerk