

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

JPMORGAN CHASE BANK, N.A., FOR
ITSELF AND AS ACQUIRER OF
CERTAIN ASSETS AND LIABILITIES
OF WASHINGTON MUTUAL BANK,
THROUGH THE FDIC,
Respondent.

No. 79313

FILED

DEC 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
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; 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 affirm.¹


Appellant contends that respondent was time-barred from asserting 12 U.S.C. § 4617(j)(3) (2012) (the Federal Foreclosure Bar). But because respondent asserted the Federal Foreclosure Bar as an affirmative defense, respondent's assertion was not subject to any limitations period. *See Dredge Corp. v. Wells Cargo, Inc.*, 80 Nev. 99, 102, 389 P.2d 394, 396 (1964) ("Limitations do not run against defenses."); *see also City of Saint Paul, Alaska v. Evans*, 344 F.3d 1029, 1033-34 (9th Cir. 2003) (examining "the interplay between statutes of limitations and defenses" and concluding that such limitations do not apply to defenses because "[w]ithout this

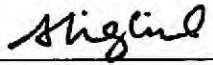
¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

exception, potential plaintiffs could simply wait until all available defenses are time barred and then pounce on the helpless defendant”).

Even if assertion of the Federal Foreclosure Bar were subject to a limitations period, respondent’s amended answer timely asserted the Federal Foreclosure Bar within six years of the HOA’s foreclosure sale. See *JPMorgan Chase Bank, National Ass’n v. SFR Investments Pool 1, LLC*, 136 Nev., Adv. Op. 68 (2020) (holding that 12 U.S.C. § 4617(b)(12)’s six-year limitation period applies to any action brought to enforce the Federal Foreclosure Bar). Accordingly, the district court correctly determined that respondent’s assertion was not time-barred. Cf. *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) (recognizing that this court will affirm the district court’s decision if it reached the right result, albeit for the wrong reason). The district court therefore correctly determined that appellant took title to the property subject to the first deed of trust. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Ronald J. Israel, District Judge
John Walter Boyer, Settlement Judge
Kim Gilbert Ebron
Ballard Spahr LLP/Las Vegas
Ballard Spahr LLP/Washington DC
Fennemore Craig P.C./Reno
Eighth District Court Clerk