

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WALTER G. SALVATIERRA, AN
INDIVIDUAL,
Appellant,
vs.
CARRINGTON MORTGAGE
SERVICES, LLC,
Respondent.

No. 83650-COA

FILED

JUN 10 2022

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

ORDER OF AFFIRMANCE

Walter G. Salvatierra appeals from a default judgment in a real property matter. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Respondent Carrington Mortgage Services, LLC (Carrington), initiated the underlying action against Salvatierra and others, seeking to correct a clerical error in the legal description of real property in various recorded documents. After Carrington filed proof that it served all defendants, and after all defendants failed to answer the complaint, Carrington sought and obtained defaults and subsequently a default judgment granting the relief requested. This appeal followed.

On appeal, Salvatierra claims that he was never served with any of the documents in the underlying case and lacked knowledge of the action because he was supposedly detained for a probation violation on April 9, 2021, and he argues that this court should therefore reverse the default judgment and remand the case to the district court to afford Salvatierra an

opportunity to respond. But the proof of service Carrington filed with the district court indicates that a process server served Salvatierra on April 6, 2021, by leaving a copy of the summons and complaint at his usual place of abode with his stepfather/co-resident, *see* NRCP 4.2(a)(2) (providing that an individual may be served “by leaving a copy of the summons and complaint at the individual’s dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served”), and Salvatierra fails to cogently explain why he believes that was not proper service. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider issues that are not cogently argued).

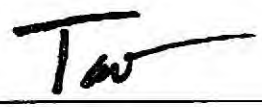
Moreover, to the extent he contends as a factual matter that he was detained at the time of service and that the address where the process server left the documents was no longer his usual place of abode in light of his detention, “[a]n appellate court is not particularly well-suited to make factual determinations in the first instance.” *Ryan’s Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012). The proper mechanism for challenging a judgment for lack of service is through a motion or action under NRCP 60(b) in the district court, *see Browning v. Dixon*, 114 Nev. 213, 218, 954 P.2d 741, 744 (1998); *Dobson v. Dobson*, 108 Nev. 346, 348, 830 P.2d 1336, 1337-38 (1992), and here, Salvatierra has not sought to set aside the default judgment entered against him in the district court and instead filed this appeal directly from that judgment. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court . . . is deemed to have been

waived and will not be considered on appeal.”); *see also* NRCP 60(b)(4), (c)(1) (providing that a motion for relief from a void judgment “must be made within a reasonable time”).

Under these circumstances, Salvatierra has failed to demonstrate that reversal is warranted, and we therefore

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 11
Walter Geoffrey Salvatierra
Tiffany & Bosco, P.A./Las Vegas
Eighth District Court Clerk