

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEIDIANNE L. BAUTISTA; AND
CONSTANTINE S. NACAR,
Appellants,
vs.
NEVADA ASSOCIATION SERVICES,
INC., A NEVADA CORPORATION; AND
SATICOY BAY LLC SERIES 10449
FORKED RUN, A NEVADA LIMITED
LIABILITY COMPANY,
Respondents.

No. 85204

FILED
FEB 15 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a preliminary injunction in a real property matter. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.¹

Appellants Leidianne Bautista and Constantine Nacar (collectively, Bautista) owned the subject property. They defaulted on their HOA dues, and their home was sold at foreclosure to respondent Saticoy Bay.² At the time of the sale, NRS 116.31166(3) afforded Bautista 60 days to redeem the property. During this period, Bautista agreed to sell the property to a third party, but a title company refused to close escrow because Bautista had not yet redeemed the property.

Shortly before the redemption period expired, Bautista filed the underlying action, seeking a declaration that the sale to the third-party could be consummated. Contemporaneously, Bautista sought a preliminary

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

²Respondent Nevada Association Services conducted the foreclosure sale on behalf of the HOA.

injunction to extend the redemption period. Following a hearing, the district court denied Bautista's request for the preliminary injunction. Bautista now appeals.

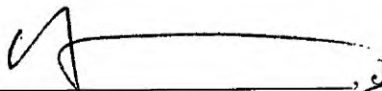
We are not persuaded that the district court abused its discretion in denying Bautista's request for a preliminary injunction. *See Excellence Cmty. Mgmt. v. Gilmore*, 131 Nev. 347, 351, 351 P.3d 720, 722 (2015) (observing that this court reviews a district court's decision to grant or deny a preliminary injunction for an abuse of discretion). In particular, we agree with the district court's conclusion that Bautista's claims had no likelihood of success on their merits. *Id.* at 350-51, 351 P.3d at 722 ("A preliminary injunction is proper where the moving party can demonstrate that it has a reasonable likelihood of success on the merits and that, absent a preliminary injunction, it will suffer irreparable harm for which compensatory damages would not suffice.").

Here, Bautista contends that the district court should have extended the redemption period so Bautista could have sold the property to the third party. But as the district court observed, Bautista did not name the title company as a defendant in the case, and Bautista did not present any argument or authority to support the proposition that the district court could force the title company into closing escrow, regardless of whether the redemption period had expired. We additionally question whether Bautista could have sold the property when, by statute, Bautista's "interest in the [property] was extinguished by the [HOA's foreclosure] sale." NRS 116.31166(3). In other words, it is unclear how Bautista could sell what Bautista no longer owned. Relatedly, while Bautista claims that Saticoy Bay's \$315,000 winning bid was too high and effectively prevented any

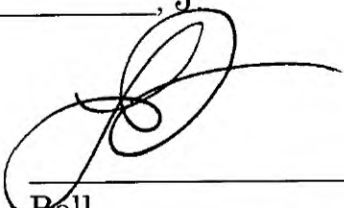
redemption, we note that NRS 116.31164(8) provides a mechanism wherein Bautista will benefit at least indirectly from the sale proceeds.

Consistent with the foregoing, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. Adriana Escobar, District Judge
Charles K. Hauser, Settlement Judge
Senior Counsel, LLC
Brandon E. Wood
Roger P. Croteau & Associates, Ltd.
Eighth District Court Clerk

³To the extent Bautista has raised arguments not specifically addressed in this disposition, we are not persuaded that those arguments warrant reversal.