

IN THE SUPREME COURT OF THE STATE OF NEVADA

GOLDEN CREEK HOLDINGS, INC., A
NEVADA CORPORATION,
Appellant,
vs.
CARRINGTON MORTGAGE
SERVICES, LLC,
Respondent.

No. 85380

FILED

JUL 27 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

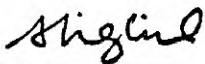
This is an appeal from a district court judgment in a quiet title action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Appellant has moved to voluntarily dismiss this appeal under NRAP 42(b), with the parties to bear their own fees and costs, pointing to two opinions released after its opening brief was filed that essentially resolve its argument on appeal that the prior homeowner's default triggered the 10-year clock under NRS 106.240: *LV Debt Collect, LLC v. Bank of New York Mellon*, 139 Nev., Adv. Op. 25, 534 P.3d 693 (2023) (recording notice of default does not trigger NRS 106.240's 10-year period), and *Posner v. U.S. Bank Nat'l Ass'n*, 140 Nev., Adv. Op. 22, 545 P.3d 1150 (2024) (terms of mortgage/deed of trust and any recorded extension alone dictate when the NRS 106.240 period is triggered). Respondent opposes the motion, asserting that the appeal's disposition could affect numerous similar cases currently pending in the various state and federal courts, the parties and amicus curiae have spent thousands of dollars on the appeal, and dismissing according to appellant's terms could preclude it from obtaining fees and costs related to the appeal under NRCP 68 below. Respondent also seeks NRAP 38 sanctions, claiming appellant filed a frivolous appeal. Appellant

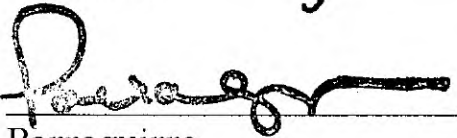
argues that no controversy remains and denies that the appeal was frivolous, pointing out that the law surrounding its argument was not settled until this court issued the two cases mentioned above.

Having considered the parties' arguments, we grant the motion and hereby dismiss the appeal. As it does not appear that the appeal was frivolous, we decline to award NRAP 38 sanctions. However, given that respondent may attempt to obtain fees and costs in the district court, *In re Est. & Living Tr. of Miller*, 125 Nev. 550, 555, 216 P.3d 239, 243 (2009), we decline to condition the dismissal on each party paying their own fees and costs. Any motions seeking such fees and costs should be filed in the district court.

It is so ORDERED.


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Mark R. Denton, District Judge
James A. Kohl, Settlement Judge
Hong & Hong
Akerman LLP/Las Vegas
Fennemore Craig P.C./Reno
Arnold & Porter Kaye Scholer LLP/Washington DC
Eighth District Court Clerk