IN THE SUPREME COURT OF THE STATE OF NEVADA

RH KIDS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY,
Appellant,
vs.
CARRINGTON FORECLOSURE SERVICES, LLC, A LIMITED LIABILITY COMPANY; AND CARRINGTON MORTGAGE SERVICES, LLC, A LIMITED LIABILITY COMPANY,
Respondents.

No. 86690

FILED

OCT 17 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting a motion to dismiss in an action to quiet title. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge. Reviewing the dismissal order de novo and accepting all the complaint's factual allegations as true, *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008), we affirm.

Appellant RH Kids, LLC sued respondents Carrington Foreclosure Services and Carrington Mortgage Services (collectively, Carrington), seeking to quiet title and halt Carrington's pending foreclosure of its deed of trust. RH Kids primarily argued that Carrington's deed of trust had been extinguished as a matter of law under NRS 106.240. That statute provides that a lien on real property is conclusively presumed to be discharged "10 years after the debt secured by the mortgage or deed of trust according to the terms thereof or any recorded written extension thereof become wholly due." According to RH Kids, the loan secured by Carrington's deed of trust became "wholly due" on May 1, 2010, when the

former homeowners first missed a payment on their loan. Thus, RH Kids argued, NRS 106.240 extinguished Carrington's deed of trust by May 1, 2020, such that the deed of trust was no longer enforceable. Carrington moved to dismiss RH Kids' complaint, which the district court granted, rejecting RH Kids' NRS 106.240 argument.

On appeal, RH Kids reiterates its argument that the former homeowners' May 1, 2010, default triggered NRS 106.240's 10-year time frame. But RH Kids cites no authority for its argument. And the argument is contrary to our decision in *LV Debt Collect, LLC v. Bank of New York Mellon*, 139 Nev., Adv. Op. 25, 534 P.3d 693 (2023). Namely, in *LV Debt Collect*, we held that recording a notice of default to institute nonjudicial foreclosure proceedings does not trigger NRS 106.240's 10-year time frame. *Id.* at 695. If recording a notice of default is insufficient to trigger NRS 106.240, it stands to reason that merely defaulting on a loan, in and of itself, is also insufficient to trigger NRS 106.240. We therefore need not entertain RH Kids' suggestion that *LV Debt Collect* left open the possibility that a loan can become "wholly due" before its maturity date. And to the extent that RH Kids contends that the district court had to accept its "allegation" that the loan became wholly due on May 1, 2010, we are not persuaded. *See Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004) ("[T]he court is not required to accept legal conclusions cast in the form of factual allegations . . . ." (internal quotation marks omitted)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Stiglich, J.
Stiglich

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

cc: Hon. Joseph Hardy, Jr., District Judge
Stephen E. Haberfeld, Settlement Judge
Hong & Hong
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk