

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARNATION ASHLEY,
Appellant,
vs.
PLANET HOME LENDING, LLC,
Respondent.

No. 89786-COA

FILED

FEB 19 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *EW Soles*
DEPUTY CLERK

ORDER DISMISSING APPEAL

Carnation Ashley appeals from a district court order dismissing a petition for foreclosure mediation assistance. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Chief Judge.

In the underlying matter, Ashley filed a petition for foreclosure mediation assistance in which she requested to participate in Nevada's Foreclosure Mediation Program for the subject property. Thereafter, the beneficiary of the deed of trust on the subject property, respondent Planet Home Lending, LLC, filed a motion to dismiss the petition, asserting that Ashley was ineligible for foreclosure mediation assistance because Ashley did not own the subject property and did not establish occupancy. Ashley filed an opposition. Subsequently, the district court held a hearing and entered an order granting the motion to dismiss the petition. The court found Ashley was not a party to the loan and was not the owner-occupant of the subject property. Thus, the court determined Ashley was ineligible for foreclosure mediation. This appeal followed.

On appeal, Ashley presents arguments in favor of reversing the district court's order, asserting that she is the owner of the subject property and should have been considered an eligible participant in foreclosure

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mediation. Ashley further asserts that the parties should have been given more time to explore foreclosure alternatives.

Conversely, Planet Home Lending, LLC, asserts that the district court properly dismissed the petition because Ashley is not eligible for foreclosure mediation as Ashley was not the owner-occupant of the subject property when the mediation petition was filed. Further, Planet Home Lending, LLC, argues the matter is moot because the subject property has since been sold at a trustee's sale and a trustee's deed upon sale was recorded in July 2025, evidencing transfer in title ownership to Planet Home Lending, LLC.¹ Ashley did not file a reply brief.

Mootness concerns a question of justiciability, and a case on appeal is moot when the court can no longer grant relief affecting the matter before it. *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). “[C]ases presenting live controversies at the time of their inception may become moot by the occurrence of subsequent events.” *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound. Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004).

In this case, Ashley sought foreclosure mediation assistance in order to negotiate regarding alternatives to foreclosure of the subject property. However, as Planet Home Lending, LLC, asserts in its answering brief, the subject property has since underwent a foreclosure sale. Ashley did not file a reply brief and thus did not respond to respondent's argument in favor of dismissal due to the matter being moot. Accordingly, we treat

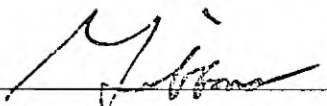
¹Planet Home Lending, LLC, included a copy of the trustee's deed in its appendix, but this transfer occurred after the district court's decision in this matter. Nevertheless, this court may take judicial notice of publicly recorded documents. *See* NRS 47.130; NRS 47.170.

Ashley's failure to respond to this argument as a concession that respondent's argument is meritorious. *See Ozawa v. Vision Airlines, Inc.*, 125 Nev. 556, 563, 216 P.3d 788, 793 (2009) (treating a party's failure to respond to an argument as a concession that the argument is meritorious). The sale of the subject property is a subsequent event that renders this appeal moot as this court can no longer grant relief as to the dismissal of Ashley's petition for foreclosure mediation assistance.

Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jerry A. Wiese, Chief Judge
Carnation Ashley
ZBS Law, LLP
Eighth District Court Clerk