

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LV REAL ESTATE STRATEGIC
INVESTMENT GROUP, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR BANK OF AMERICA
FUNDING 2008-FT1 TRUST,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2008-FT1,
Respondent.

No. 89750-COA

FILED

APR 29 2026

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

ORDER OF AFFIRMANCE

LV Real Estate Strategic Investment Group, LLC appeals from an order granting a motion to dismiss, certified as final under NRCPC 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.

LV Real Estate was the owner of a residential property and initiated an action to quiet title. In the operative complaint, LV Real Estate raised several claims involving respondent U.S. Bank National Association, the beneficiary of a deed of trust encumbering the property. As relevant to this matter, LV Real Estate alleged that the deed of trust had been extinguished as a matter of law under NRS 106.240, which it alleged was triggered by a notice of intent to accelerate the underlying debt sent to the original borrowers in 2009. U.S. Bank later filed a motion to dismiss, asserting the facts as alleged in LV Real Estate's NRS 106.240 claim were

insufficient to state a claim for which relief could be granted. LV Real Estate opposed the motion.

The district court ultimately issued a written order dismissing LV Real Estate's NRS 106.240 claim. The district court later certified that order as final pursuant to NRCP 54(b). This appeal followed.

On appeal, LV Real Estate argues the district court erred by dismissing its NRS 106.240 claim because it contends that the terms of the deed of trust permitted acceleration of the loan; the lender sent the original borrowers a written notice concerning their default and indicating the acceleration of the loan secured by the deed of trust more than ten years ago; and because the loan was accelerated, the deed of trust that secured that debt became extinguished pursuant to NRS 106.240.

We rigorously review a district court order granting an NRCP 12(b)(5) motion to dismiss, accepting all of the plaintiff's factual allegations as true and drawing every reasonable inference in the plaintiff's favor to determine whether the allegations are sufficient to state a claim for relief. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). A complaint should be dismissed for failure to state a claim "only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief." *Id.* at 228, 181 P.3d at 672.

Having considered the parties' arguments and the record before this court, we conclude the district court did not err by dismissing LV Real Estate's NRS 106.240 claim. LV Real Estate's arguments are contrary to several decisions issued by the Nevada Supreme Court. *See LV Debt Collect, LLC v. Bank of N.Y. Mellon*, 139 Nev. 232, 236-37, 534 P.3d 693, 698 (2023) (explaining that recording a notice of default to institute nonjudicial

foreclosure proceedings does not trigger NRS 106.240's 10-year time frame in part because of the statutory cure period); *Arns Fund, LLC v. JPMorgan Chase Bank, N.A.*, No. 88661, 2025 WL 3251312, *1 (Nev. Nov. 20, 2025) (Order Affirming in Part, Reversing in Part and Remanding) (stating that “merely defaulting on a loan or sending a letter informing the homeowner of their default [was] insufficient to trigger NRS 106.240” and rejecting an argument that the terms of the deed of trust rendered the debt wholly due when the borrower had the opportunity to cure the default).

As a result, we conclude that, under the language of the deed of trust and because the original borrowers had an opportunity to cure the default, neither the default nor a written notice allegedly sent to the borrowers concerning their default could have accelerated the due date on the loan, and thus the ten-year period under NRS 106.240 was not triggered. Therefore, LV Real Estate fails to demonstrate that it is entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Insofar as the parties raise arguments that are not specifically addressed in this order, we conclude that they either do not present a basis for relief or need not be addressed.

cc: Hon. Anna C. Albertson, Judge
Hong & Hong
Troutman Pepper Hamilton Sanders LLP/Las Vegas
Eighth District Court Clerk