

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GOLDEN CREEK HOLDINGS, INC., A
DELAWARE CORPORATION,
Appellant,
vs.
NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER, A DELAWARE LIMITED
LIABILITY COMPANY, AND CLEAR
RECON CORPORATION,
Respondents.

No. 89891-COA

FILED

MAY 13 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Melissa J. Miller*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Golden Creek Holdings, Inc., appeals from a district court order granting a motion to dismiss and vacating a preliminary injunction in an action to quiet title. Eighth Judicial District Court, Clark County; Jasmin D. Lilly-Spells, Judge.

Golden Creek was the owner of a residential property and initiated an action to quiet title. In the operative complaint, Golden Creek raised several claims involving respondents Nationstar Mortgage LLC, the beneficiary of a deed of trust encumbering the property, and Clear Recon Corporation (CRC), as the trustee of the deed of trust. As relevant to this matter, Golden Creek 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 in a letter sent to the

original borrowers in 2011. Nationstar later filed a motion to dismiss, asserting the facts as alleged were insufficient to state a claim for which relief could be granted. CRC subsequently filed a joinder to that motion to dismiss. Golden Creek opposed the motion.

The district court ultimately issued a written order granting the motion to dismiss, determining that Golden Creek's NRS 106.240 claim failed. This appeal followed.

On appeal, Golden Creek 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 notice more than ten years ago indicating its intent to accelerate the loan secured by the deed of trust; and because the loan was accelerated, the deed of trust that secured that debt was 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 Golden Creek’s NRS 106.240 claim. Golden Creek’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, at *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 that provided the borrowers an opportunity to cure a default, neither the default nor the letter allegedly sent to the original borrowers could have accelerated the due date on the loan, and thus the ten-year period under NRS 106.240 was not triggered. Therefore, Golden Creek 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.

In addition, respondents have requested that this court sanction Golden Creek pursuant to NRAP 38 on the ground that this appeal is frivolous. We note that counsel for Golden Creek has raised substantially similar arguments concerning application of NRS 106.240 on appeal in other matters, those arguments have been soundly rejected by the appellate courts, and this court has issued orders cautioning counsel for Golden Creek that this court may impose sanctions under NRAP 38 when it “determines that an appeal is frivolous or was brought or maintained without reasonable ground or solely for purposes of delay, or whenever the appellate processes of the court have otherwise been misused.” *TWT Invs., LLC v. Nationstar Mortg., LLC*, No. 88984-COA, 2025 WL 2741615, at *3 n.3 (Nev. Ct. App. Sept. 25, 2025) (Order of Affirmance) (internal quotation marks omitted); *see also Norman, LLC v. Affinia Default Servs., LLC*, No. 88524-COA, 2025 WL 3248511, at *3 n.3 (Nev. Ct. App. Nov. 20, 2025) (Order of Affirmance). Because Golden Creek submitted its opening brief prior to the warning given in our earlier orders, we decline to issue a sanction at this time. But we again warn counsel for Golden Creek that this court may impose sanctions under NRAP 38 should counsel pursue a frivolous appeal or misuse the appellate process of the court.

cc: Hon. Jasmin D. Lilly-Spells, District Judge
Dana Jonathon Nitz, Settlement Judge
Hong & Hong
Troutman Pepper Hamilton Sanders LLP/Las Vegas
Aldridge Pite, LLP
Eighth District Court Clerk