



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RH KIDS, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY,
Appellant,
vs.
NEWREZ, LLC D/B/A SHELLPOINT
MORTGAGE SERVICING, A
DELAWARE LIMITED LIABILITY
COMPANY,
Respondent.

No. 88826-COA

ORDER OF AFFIRMANCE

RH Kids, LLC, appeals from a district court final order granting a motion for summary judgment in an action to quiet title. Eighth Judicial District Court, Clark County; Hon. Tara D. Clark Newberry, Judge.

RH Kids was the owner of a residential property and initiated an action to quiet title. In the operative complaint, RH Kids raised several claims involving respondent Newrez, LLC, the beneficiary of a deed of trust encumbering the property. As relevant to this matter, RH Kids alleged that the deed of trust had been extinguished as a matter of law under NRS 106.240, as it alleged more than ten years had passed since the debt secured by the deed of trust was accelerated. RH Kids also presented several additional claims and sought declaratory and injunctive relief. Newrez thereafter answered the complaint and filed a counterclaim for unjust enrichment.

Newrez later filed a motion for summary judgment, contending that there was no genuine dispute of material fact as to whether NRS 106.240 extinguished the deed of trust as none of the events alleged by RH Kids triggered that statute. Newrez alternatively argued that, even if NRS 106.240

had been triggered, a notice of rescission recorded in 2018 cancelled any acceleration of the underlying debt such that NRS 106.240's clock was reset. Newrez further sought summary judgment as to its counterclaim for unjust enrichment. RH Kids opposed the motion, contending that there remained genuine disputes of material fact.

The district court issued a written order in which it concluded that there was no genuine dispute of material fact concerning the NRS 106.240 claim and that Newrez was entitled to summary judgment as a matter of law. The court determined that the 2018 notice of rescission was effective to cancel any acceleration of the underlying debt and reset NRS 106.240's ten-year clock. However, the district court determined that genuine disputes of fact remained concerning Newrez's unjust enrichment claim. Newrez later renewed its motion for summary judgment on its unjust enrichment claim, and the district court thereafter granted the motion. This appeal followed.

On appeal, RH Kids argues the district court erroneously granted summary judgment as to its NRS 106.240 claim, contending there remain genuine disputes of material fact. RH Kids contends that the 2018 notice of rescission did not reset NRS 106.240's clock and the district court accordingly erred by granting Newrez's motion for summary judgment. This court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine dispute of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence "must be viewed in a light most favorable to the nonmoving party."

Id. General allegations and conclusory statements do not create genuine disputes of fact. *Id.* at 731, 121 P.3d at 1030-31.

Having considered the parties' arguments and the record before this court, we conclude no genuine disputes of material fact remain and the district court did not err by granting summary judgment in favor of Newrez. RH Kids' arguments are contrary to several prior decisions issued by appellate courts in both Nevada and the federal ninth circuit. *See SFR Invs. Pool 1, LLC v. U.S. Bank, N.A.*, 138 Nev. 174, 177-79, 507 P.3d 194, 197-98 (2022) (concluding that a subsequently recorded notice of rescission was effective to reset NRS 106.240's ten-year time period that may have been triggered by recording a notice of default); *Pine River Lane Tr. v. HSBC Bank USA N.A.*, No. 83703, 2022 WL 6853717, at *1 (Nev. Oct. 11, 2022) (Order of Affirmance) ("[A] Notice of Rescission was effective to reset any acceleration that may have occurred before the Notice of Default."); *Bank of Am., NA v. SFR Invs. Pool 1, LLC*, 849 F. App'x 211, 212-13 (9th Cir. 2021) ("Because the 2010 rescission notice decelerated the demand for full payment, the notice rendered NRS 106.240 inapplicable"); *see also 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 the district court did not err by determining that the undisputed facts demonstrated that RH Kids' NRS

106.240 claim lacked merit. Therefore, RH Kids fails to demonstrate that it is entitled to relief.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²



Bulla, C.J.



Gibbons, J.



Westbrook, J.

¹RH Kids also contends that the district court relied upon hearsay contained within the 2018 notice of rescission when it granted the motion for summary judgment. RK Kids acknowledges that it did not raise this argument in opposition to Newrez's motion for summary judgment. As a result, this issue is not properly before us in this appeal and we decline to consider it. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981); *see also Jeremias v. State*, 134 Nev. 46, 52, 412 P.3d 43, 49 (2018) (stating "the decision whether to correct a forfeited error is discretionary").

²Insofar 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, we deny Newrez's request for sanctions under NRAP 38. *See Anaya-Alvarado v. Anaya-Alvarado*, No. 84869-COA, 2023 WL 2033364, at *6 n.8 (Nev. Ct. App. Feb. 15, 2023) (Order of Affirmance) (declining to impose sanctions under NRAP 38 because the "appeal in its entirety is not frivolous, nor does it appear to have been undertaken solely for purposes of delay"). Moreover, we have reviewed Newrez's motion to dismiss this appeal due to mootness and conclude that relief is not warranted as Newrez does not demonstrate all issues in this appeal have been rendered moot. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (explaining when an appeal becomes moot).

cc: Hon. Tara D. Clark Newberry, District Judge
James A. Kohl, Settlement Judge
Hong & Hong
Akerman LLP/Las Vegas
Eighth District Court Clerk