FILED
10/28/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BATTLE BORN ACQUISITIONS, LLC, A NEVADA LIMITED LIABILITY COMPANY, Appellant, vs. BANK OF AMERICA, N.A., A NATIONAL BANKING ASSOCIATION, Respondent.	No. 90287-COA

ORDER OF AFFIRMANCE

Battle Born Acquisitions, LLC, appeals from a district court order of dismissal in an action to quiet title. Eighth Judicial District Court, Clark County; Hon. Jessica K. Peterson, Judge.

Battle Born was the owner of a residential property and initiated an action to quiet title. In the operative complaint, Battle Born raised several claims involving respondent Bank of America, N.A. (BANA), the beneficiary of a deed of trust encumbering the property. As relevant to this matter, Battle Born 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 more than ten years ago.

BANA later filed a motion to dismiss, asserting the facts as alleged were insufficient to state a claim for which relief could be granted. Battle Born

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

On appeal, Battle Born argues the district court erred by dismissing its NRS 106.240 claim. Battle Born contends that the terms of the deed of trust permitted acceleration of the loan and notes the complaint alleged 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. Battle Born further argues, because the loan was accelerated more than ten years ago, the deed of trust that secured that debt was extinguished pursuant to NRS 106.240. Battle Born argues that the district court was required to take its allegations as true when it reviewed the motion to dismiss.

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 Battle Born's NRS 106.240 claim. Battle Born'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 the ten-year period under NRS 106.240 was not triggered by any events identified by Battle Born. In addition, we are not persuaded by Battle Born's argument that the district court was required to consider its contentions that NRS 106.240 was triggered as true, as those statements were not factual allegations but rather constituted a legal conclusion, and legal conclusions need not be accepted as true by the district court when reviewing a motion to dismiss pursuant to NRCP 12(b)(5). *See Nev. Yellow Cab Corp. v. State*, No. 83014, 2022 WL 17367603, at *2 (Nev. Dec. 1,

2022) (Order of Affirmance) (explaining that allegations that are legal conclusions need not be accepted as true for purposes of NRCP 12(b)(5)). Accordingly, Battle Born fails to demonstrate the district court erred by dismissing this matter, and we

ORDER the judgment of the district court AFFIRMED.[1]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Jessica K. Peterson, District Judge
Paul S. Lychuk, Settlement Judge
Hong & Hong
Wright, Finlay & Zak, LLP/Las Vegas
Battle Born Acquisitions, LLC
Eighth District Court Clerk

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[1]Insofar as Battle Born raises 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.

We also deny BANA'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"). In addition, this court takes no action regarding the notice filed by BANA informing this court of the death of opposing counsel.