

IN THE SUPREME COURT OF THE STATE OF NEVADA

K & P HOMES, A SERIES LLC OF
DEK HOLDINGS, LLC, a Nevada
limited liability company,,

Appellant,

vs.

CHRISTIANA TRUST, A DIVISION
OF WILMINGTON SAVINGS FUND
SOCIETY, FSB, NOT IN ITS
INDIVIDUAL CAPACITY BUT AS
TRUSTEE OF ARLAP TRUST 3

Respondent.

Supreme Court Case No. 69966

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(A certified question from the District Court, District of Nevada, Case No. 2:15-cv-01534-RJC-VCF)

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
MORTGAGE BANKERS ASSOCIATION, NEVADA MORTGAGE
LENDERS ASSOCIATION, AND NEVADA BANKERS ASSOCIATION'S
(Brief Supports Respondent)**

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*Attorneys for Amici Curiae Mortgage Bankers Association, Nevada Mortgage
Lenders Association and Nevada Bankers Association*

Amici curiae hereby requests leave of this Court to file a Brief and Appendix in support of the Respondent.

Amici curiae are as follows:

Mortgage Bankers Association (“MBA”) is the national association representing the real estate finance industry—an industry that employs more than 280,000 people across the United States. Headquartered in Washington DC, MBA works to ensure the continued strength of the Nation’s residential and commercial real estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. MBA has more than 2,200 member companies, comprising mortgage companies, commercial banks, thrifts, real estate investment trusts, life insurance companies, mortgage brokers, and other organizations that provide money to facilitate real estate financing.

Nevada Mortgage Lenders Association (“NMLA”) is a Nevada based industry association that seeks to ensure continued and improved access to affordable real estate financing options in the State of Nevada.

Nevada Bankers Association (“NBA”) is a Nevada based industry association representing Nevada banks and banking professionals by providing a united voice dedicated to providing resources to provide economic growth and job creation throughout the State of Nevada.

Together, MBA, NMLA and NBA (hereinafter collectively referred to as “*Amici*”) are concerned about the impact that the retroactive application of this Court’s ruling in the *SFR Investments Pool 1 v. U.S. Bank* 130 Nev. Advance Opinion 75 will have on lenders, the condition of real property title and the availability of real property financing to consumers and the resulting adverse impact on the health and viability of the Nevada housing market.

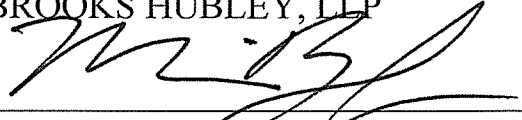
Amici submit this proposed brief to address three specific issues as they relate to the homeowner association (“HOA”) super-priority lien rights. *Amici* submit this brief to support the Respondent’s arguments that the SFR Decision (1) established a new principle of law, (2) the effect of the retroactive application of the law would impede the operation of NRS 116.3116; and (3) the retroactive application would result in profound inequitable consequences.

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Amici's proposed brief is hereby submitted to the Court along with the filing of this Motion. *Amici* respectfully requests that the Court permit its brief to be filed pursuant to NRAP 29.

DATED this 20 day of July, 2016.

BROOKS HUBLEY, LLP

A handwritten signature in black ink, appearing to read 'M. Brooks', is written over a horizontal line.

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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9(b)(d)(e), I certify that on the 20th day of July, 2016, a true and correct copy of the **MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE MORTGAGE BANKERS ASSOCIATION, NEVADA MORTGAGE LENDERS ASSOCIATION, AND NEVADA BANKERS ASSOCIATION** was transmitted electronically through the Court's e-filing system to the attorney(s) associated with this case.

DATED this 20th July, 2016.


An employee of Brooks Hubley, LLP