

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BANK OF AMERICA, N.A.,  
SUCCESSOR BY MERGER TO BAC  
HOME LOANS SERVICING, LP F/K/A  
COUNTRYWIDE HOMES LOANS  
SERVICING, LP,  
Appellant,  
vs.  
SFR INVESTMENTS POOL 1, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,  
Respondent.

No. 70501

**FILED**

APR 19 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER TO SHOW CAUSE*

Appellant Bank of America, N.A., appeals from a district court summary judgment in a real property action. Our preliminary review of the docketing statement and documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, the notice of appeal appears to have been prematurely filed after the timely filing of a tolling motion and before the tolling motion was formally resolved. See NRAP 4(a)(4), (6). Here, notice of entry of the challenged order was served on April 27, 2016. Bank of America then filed a motion seeking reconsideration of that decision on May 16, 2016, prior to the filing of its notice of appeal.

Because Bank of America's motion for reconsideration appears to constitute a timely NRCP 59(e) tolling motion, see *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (explaining that a timely filed motion for reconsideration that states with particularity the grounds for relief sought and seeks a "substantive alteration of the judgment" will be treated as an NRCP 59(e) tolling

motion (internal quotation marks omitted)), and that motion has not been formally resolved by a written, file-stamped order, it seems that the May 24, 2016, notice of appeal was prematurely filed. As a result, it appears that we lack jurisdiction to consider this appeal and jurisdiction instead seems to remain properly vested in the district court. See NRAP 4(a)(4), (6).

Accordingly, Bank of America shall have 20 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, Bank of America shall submit documentation that establishes this court's jurisdiction including, but not necessarily limited to, a written, file-stamped district court order formally resolving its motion for reconsideration. We caution Bank of America that failure to demonstrate that this court has jurisdiction may result in this court's dismissal of this appeal. Respondent may file any reply within ten days from the date that Bank of America's response is served.

It is so ORDERED.

, C.J.

cc: Akerman LLP/Las Vegas  
Kim Gilbert Ebron