

IN THE SUPREME COURT OF THE STATE OF NEVADA

U.S. BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR
MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE
LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-A8

Appellant,

vs.

SFR INVESTMENTS POOL 1, LLC,
A NEVADA LIMITED LIABILITY
COMPANY,

Respondent.

Case No. 79235

District Court Case No. A-20-238

MOTION TO STAY BRIEFING

Electronically Filed
Sep 25 2020 11:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Respondent, SFR Investments Pool 1, LLC (“SFR”), hereby moves for a stay of this appeal pending the outcome of Ninth Circuit Court’s May 1, 2020, certification of two questions of law to this Court in *U.S. Bank, N.A. v. Thunder Properties, Inc.*, No. 17-16399. The answers to those two certified questions will have significant bearing on the outcome of the present appeal. On September 11, 2020, this Court issued an Order Accepting Certified Questions, Directing Briefing and Directing Submission of Filing Fee.

For this reason, it is in the interests of both this Court and the parties to this appeal to stay the deadlines for briefing of this appeal until this Court has answered the certified questions. The panel in *U.S. Bank* certified the following two questions:

(1) When a lienholder whose lien arises from a mortgage for the purchase of a property brings a claim seeking a declaratory judgment that the lien was not extinguished by a subsequent foreclosure sale of the property, is that claim exempt from statute of limitations under *City of Fernley v. Nevada Department of Taxation*, 366 P.3d 699 (Nev. 2016)? (2) If the claim described in (1) is subject to a statute of limitations: (a) Which limitations period applies? (b) What causes the limitations period to begin to run?

This appeal arises out of a foreclosure sale under NRS 116.3116, Nevada's statutory scheme that permits a homeowner's association to record and foreclose on a lien for delinquent assessments and other specified costs and charges. U.S. Bank sought a declaration that the deed of trust was not extinguished by the HOA's foreclosure sale. After trial, the district court entered judgment in favor of SFR, one ground being that U.S. Bank's quiet title claim was barred by the statute of limitations. As a result, any answers this Court gives to the certified questions will be directly relevant to, and controlling of, the outcome of this appeal. U.S. Bank filed its Opening Brief on June 15, 2020.

Currently, SFR's Answering Brief is due on October 14, 2020. In the interests of efficiency and preserving both the parties' and the Court's resources, SFR respectfully requests this Court stay all briefing deadlines until this Court has answered the certified questions.

DATED: September 25, 2020.

KIM GILBERT EBRON

/s/ Karen L. Hanks

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Attorneys for Respondent

SFR Investments Pool 1, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2020, I filed the foregoing **MOTION TO STAY BRIEFING**, which shall be served via electronic service from the Court's eFlex system to:

Master Service List

Docket Number and Case Title:	79235 - U.S. BANK NAT'L ASS'N VS. SFR INVS. POOL 1, LLC
Case Category	Civil Appeal
Information current as of:	Jul 06 2020 02:26 p.m.

Electronic notification will be sent to the following:

Robin Wright
Jacqueline Gilbert
Karen Hanks
Christina Miller
Lindsay Robbins

/s/ Karen L. Hanks

An employee of Kim Gilbert Ebron