

**Case No. 81293**

IN THE SUPREME COURT OF NEVADA

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

Appellant/Cross-Respondent,

vs.

U.S. BANK N.A., A NATIONAL  
BANKING ASSOCIATION, AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF THE  
LXS 2006-4N TRUST FUND,  
ERRONEOUSLY PLED AS U.S.  
BANK, N.A., AND NATIONSTAR  
MORTGAGE, LLC, A FOREIGN  
LIMITED LIABILITY COMPANY

Respondents/Cross-Appellants.

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Elizabeth A. Brown  
Clerk of Supreme Court

**APPEAL**

From the Eighth Judicial District Court, Clark County  
The Honorable Gloria Sturman, District Judge  
District Court Case No. A-14-705563-C

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**APPELLANT / CROSS-RESPONDENT SFR INVESTMENTS POOL 1, LLC's  
SUPPLEMENTAL STATUTORY ADDENDUM**

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<b>A</b>	Nev. Rev. Stat. § 106.240	SSA_0001
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<b>C</b>	Revised Laws of Nevada, (1919), Page 3352 “An Act to quiet title to real estate by defining when the lien of an attachment and mortgage and the notice of the pendency of an action expires.”	SSA_0005
<b>D</b>	Nevada Compiled Laws (1929) §§ 9410, 9411	SSA_0007
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# EXHIBIT A

NRS 106.240

Extinguishment of lien created by mortgage  
or deed of trust upon real property.

**NRS 106.240 Extinguishment of lien created by mortgage or deed of trust upon real property.** The lien heretofore or hereafter created of any mortgage or deed of trust upon any real property, appearing of record, and not otherwise satisfied and discharged of record, shall at the expiration of 10 years after the debt secured by the mortgage or deed of trust according to the terms thereof or any recorded written extension thereof become wholly due, terminate, and it shall be conclusively presumed that the debt has been regularly satisfied and the lien discharged.

[2:37:1917; 1919 RL p. 3352; NCL § 9410] — (NRS A [1965, 1229](#))

# EXHIBIT B

Statutes of Nevada 1917  
Chapter 37, Sections 1-4

"An Act to quiet title to real estate by  
defining when the lien of an  
attachment and mortgage and the  
notice of the pendency of an action  
expires."

CHAP. 36—*An Act to provide for the printing of the papers of the Nevada Historical Society.*

[Approved March 2, 1917]

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The superintendent of state printing shall cause to be printed fifteen hundred copies of each biennial volume of historical papers issued by the Nevada Historical Society, all of which shall be delivered to the secretary of said society to be sold for the benefit of said society, or used by it for distribution to its members or for exchange.

Papers to be printed at state printing office

SEC. 2. All plates for illustrating any volume shall be furnished to the state printer by the Nevada Historical Society, and all binding of the historical papers other than paper shall be paid for by the society.

Plates and binding paid for by society

CHAP. 37—*An Act to quiet title to real estate by defining when the lien of an attachment and mortgage and the notice of the pendency of an action expires.*

[Approved March 2, 1917]

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The lien upon real property heretofore or hereafter created by the levy of a writ of attachment shall, unless otherwise released and discharged of record, at the expiration of ten years from the time of such levy terminate and be conclusively presumed to have been regularly released and discharged.

Attachment liens on real property expire in 10 years

SEC. 2. The lien heretofore or hereafter created of any mortgage upon any real estate, appearing of record, and not otherwise satisfied and discharged of record, shall at the expiration of ten years after the debt secured by said mortgage according to the terms thereof become wholly due, terminate, and it shall be conclusively presumed that said debt has been regularly satisfied and said lien discharged.

Mortgage liens, same

SEC. 3. Notice of the pendency of any action shall not constitute notice or be of any force or effect after the expiration of ten years from the time of the filing of such notice.

Notice of no effect after 10 years

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

# EXHIBIT C

*Revised Laws of Nevada (1919),*  
Page 3352

This act does not permit a nominee at a primary election to be held September 1 to file his papers on August 3 though August 2 falls on Sunday; section 7 of subchapter 3 of election law of 1913 (Stats. 1913, 493, c. 284) providing that such papers shall be filed at least thirty days prior to the primary election. *State ex rel. Thatcher v. Brodigan*, 37 Nev. 458, 462 (142 P. 520).

5501. Under Const. art. 6, sec. 14, Rev. Laws, 4943, this section, and Rev. Laws, 5518 and 5603, a defendant in an action under Rev. Laws, 5588, for unlawful detainer may show the nonexistence of the relation of landlord and tenant essential to the maintenance of the action, and may show that an instrument in form a lease was a part of another instrument, and that the two constituted a mortgage, and thereby defeat the action. *Yori v. Phenix*, 38 Nev. 277, 282, 283 (149 P. 180).

Under this section, where plaintiff, by executory contract, agreed to sell land, retaining title and reserving the right to maintain a suit for the foreclosure of the agreement and any equity of redemption of the purchasers, although, pursuant to the contract, the purchasers went into possession, plaintiff could recover in a personal action for the unpaid balance of the purchase price, not being restricted to an action for foreclosure, as it was not a mortgagee, because a mortgagor holds legal title, and a mortgagee only an equitable lien. *Southern Pacific Co. v. Miller*, 39 Nev. 169, 173-175 (154 P. 929).

5508. This section, providing that in forcible-entry cases, judgments "may" be entered for treble the actual damages, permits, but does not require, such penalty to be imposed. *Glock v. Elges*, 39 Nev. 415, 416, 422 (159 P. 629).

The supreme court will not modify a judgment to allow treble damages in a forcible-entry case under this section, where the facts are not before it. *Id.*

5514. Neither under this section, nor independently of it, does a complaint state a cause of action to quiet title if not alleging that defendants claim an interest in the property adverse to plaintiffs. *Clay v. Scheeline Banking and Trust Co.*, 40 Nev. 9, 16 (159 P. 1081).

5518. Cited, *Douglass v. Thompson*, 35 Nev. 207 (127 P. 561; Ann Cas. 1914C, 920).

See *Yori v. Phenix*, 38 Nev. 277, under section 5501.

Under Cutting, 3357, similar to this, where an absolute conveyance of real property was in fact a mortgage, the grantee was entitled to the rents and profits so long as the mortgagors remained in possession; and hence, on their becoming bankrupts, such rents and profits passed to their trustee. *Alter v. Clark*, 193 F. 153, 157.

*An Act to quiet title to real estate by defining when the lien of an attachment and mortgage and the notice of the pendency of an action expires.*

Approved March 2, 1917, 41

#### **Attachment liens expire, when.**

SECTION 1. The lien upon real property heretofore or hereafter created by the levy of a writ of attachment shall, unless otherwise released and discharged of record, at the expiration of ten years from the time of such levy terminate and be conclusively presumed to have been regularly released and discharged.

#### **Mortgage liens expire, when.**

SEC. 2. The lien heretofore or hereafter created of any mortgage upon any real estate, appearing of record, and not otherwise satisfied and discharged of record, shall at the expiration of ten years after the debt secured by said mortgage according to the terms thereof become wholly due, terminate, and it shall be conclusively presumed that said debt has been regularly satisfied and said lien discharged.

#### **Imputation of notice ceases, when.**

SEC. 3. Notice of the pendency of any action shall not constitute notice or be of any force or effect after the expiration of ten years from the time of the filing of such notice.



Ex. D

# EXHIBIT D

*Nevada Compiled Laws (1929) §§ 9410, 9411*

Ex. D

SSA\_0007

**§ 9407. IN EFFECT.** § 8. This act shall become and be effective on and after passage and approval.

#### TIME FOR PERFORMANCE WHERE LAST DAY FALLS ON HOLIDAY.

*An Act relating to the time of performance of certain acts provided to be done either by law or contract when the day of performance falls upon a holiday or a nonjudicial day.*

APPROVED MARCH 10, 1913, 49.

**§ 9408. SECULAR ACTS, WHEN EXECUTED.** § 1. Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday or a nonjudicial day, it may be performed upon the next business day with the same effect as if it had been performed upon the day appointed; and if such act is to be performed at a particular hour it may be performed at the same hour of the next business day.

California Code of Civil Procedure, § 13.

Negotiable instruments, provisions concerning, §§ 4663, 4666, ante.

See, also, §§ 8411, 8412, 9029, ante.

This act does not permit a nominee at a primary election to be held September 1 to file his papers on August 3 though August 2 falls on Sunday; section 7 of subchapter 3 of election law of 1913 (Stats. 1913, p. 493, ch. 284) providing that such papers shall be filed at least thirty days prior to the primary election.—State v. Brodigan, 37 Nev. 458, 462, 142 Pac. 520.

#### EXPIRATION OF LIENS.

*An Act to quiet title to real estate by defining when the lien of an attachment and mortgage and the notice of the pendency of an action expires.*

APPROVED MARCH 2, 1917, 41.

§ 9409. Attachment liens expire, when.

§ 9410. Mortgage liens expire, when.

§ 9411. Imputation of notice ceases, when.

**§ 9409. ATTACHMENT LIENS EXPIRE, WHEN.** § 1. The lien upon real property heretofore or hereafter created by the levy of a writ of attachment shall, unless otherwise released and discharged of record, at the expiration of ten years from the time of such levy terminate and be conclusively presumed to have been regularly released and discharged.

See, also, §§ 8703-8724, ante.

**§ 9410. MORTGAGE LIENS EXPIRE, WHEN.** § 2. The lien heretofore or hereafter created of any mortgage upon any real estate, appearing of record, and not otherwise satisfied and discharged of record, shall at the expiration of ten years after the debt secured by said mortgage according to the terms thereof become wholly due, terminate, and it shall be conclusively presumed that said debt has been regularly satisfied and said lien discharged.

See, also, §§ 4330-4336, ante.

**§ 9411. IMPUTATION OF NOTICE CEASES, WHEN.** § 3. Notice of the pendency of any action shall not constitute notice or be of any force or effect after the expiration of ten years from the time of the filing of such notice.

See, also, § 8577, ante.

#### PLEADING—DENIALS.

*An Act pertaining to the form of denials in pleadings in civil actions in the State of Nevada.*

APPROVED FEBRUARY 28, 1913, 29.

**§ 9412. WHAT CONSTITUTES SPECIFIC DENIAL.** § 1. Whenever, in any civil action hereafter brought in any court of the State of Nevada, a specific denial of the allegations of any pleading is or may be required by any law of this state, the following shall be deemed to be a specific denial and shall be sufficient to put in issue all allegations so denied:

A denial by reference to the paragraphs sought to be denied, citing by paragraph number, the paragraph or paragraphs sought to be denied, and stating that the party denies all matters in said paragraph or paragraphs contained; or, if it is intended to deny part and to admit part of the allegations of any paragraph, stating that the party denies all matters in such paragraph except certain allegations referred to with sufficient certainty so that it may readily be understood which parts of said paragraph are intended to be denied and which to be admitted.

See, also, § 8602, ante.

**§ 9413. WHAT CONSTITUTES GENERAL DENIAL.** § 2. Whenever any pleading mentioned in section 1 hereof shall not be divided into numbered paragraphs, a general denial of such pleading shall be sufficient to put in issue all matters there contained; or the party denying such pleading may deny the same generally, saving and excepting such allegations as he may desire to admit, referring to the admitted allegations with sufficient certainty so that it may readily be understood which parts of said pleadings are intended to be admitted; but nothing herein contained shall be construed to permit a denial, under oath, of any allegation the denial of which, except for this statute, would constitute perjury.

See, also, § 8602, ante.

#### UNIFORM FOREIGN DEPOSITIONS ACT.

*An Act concerning the taking of depositions in this state to be used in any foreign jurisdiction, and to make uniform the law with reference thereto.*

APPROVED MARCH 8, 1921, 115.

- § 9414. Deposition for use in other states or countries.
- § 9415. Uniformity of interpretation.
- § 9416. Short title.
- § 9417. Repeal.

Ex. E

# EXHIBIT E

Nev. Rev. Stat. § 108.260

Ex. E

SSA\_0010

**EXTINGUISHMENT OF LIEN ON REAL PROPERTY CREATED BY ATTACHMENT; EXPIRATION OF NOTICE OF PENDENCY OF ACTION**

**NRS 108.250 Extinguishment of lien on real property created by levy of attachment.** The lien upon real property heretofore or hereafter created by the levy of a writ of attachment shall, unless otherwise released and discharged of record, at the expiration of 10 years from the time of such levy terminate and be conclusively presumed to have been regularly released and discharged.

[1:37:1917; 1919 RL p. 3352; NCL § 9409]

**NRS 108.260 Expiration of effective notice of pendency of action.** Notice of the pendency of any action shall not constitute notice or be of any force or effect after the expiration of 10 years from the time of the filing of the notice.

[3:37:1917; 1919 RL p. 3352; NCL § 9411]

**LIENS FOR STORAGE, MAINTENANCE, KEEPING OR REPAIR OF VEHICLES, MOBILE HOMES, MANUFACTURED HOMES, RECREATIONAL VEHICLES, TRAILERS OR AIRCRAFT**

**NRS 108.265 Definitions.** As used in [NRS 108.265](#) to [108.367](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 108.266](#) to [108.26795](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1991, 1716](#); A [1993, 2037](#); [2005, 1246](#))