

**IN THE SUPREME COURT OF THE STATE NEVADA**

OCWEN LOAN SERVICING,  
LLC, A FOREIGN LIMITED  
LIABILITY COMPANY,

Appellant,

vs.

CHERSUS HOLDINGS, LLC, A  
DOMESTIC LIMITED LIABILITY  
COMPANY; AND SOUTHERN  
TERRACE HOMEOWNERS  
ASSOCIATION, A DOMESTIC  
NON-PROFIT CORPORATION,

Respondents.

**Supreme Court Case No. 82680**  
**District Case No. A69637**  
Electronically Filed  
Apr 13 2022 09:37 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENT SOUTHERN TERRACE HOMEOWNERS  
ASSOCIATION’S MOTION TO DISMISS, OR, IN THE  
ALTERNATIVE, MOTION TO EXCUSE IT FROM FILING AN  
ANSWERING BRIEF**

Respondent Southern Terrace Homeowners Association

(“Southern Terrace”) moves this Court for an order dismissing Southern Terrace from this appeal. In the alternative, Southern Terrace asks this Court to excuse it from filing an independent answering brief and grant it permission to file a limited joinder to Chersus Holdings, LLC’s (“Chersus”) answering brief only after Chersus files its answering brief.

In its opening brief, Appellant Ocwen Loan Servicing, LLC (“Ocwen”) confirmed that “[t]his is an action for quiet title to real property after a homeowner’s association lien foreclosure sale. Chersus claims to have a superior claim to title as the successor to the buyer at the homeowners’ association foreclosure sale. Ocwen is the record owner of the subject real property after a subsequent deed of trust foreclosure sale.” Opening Brief at p. 1.

Southern Terrace does not have any interest remaining in the subject real property after the foreclosure sale. *See* NRS 107.080(5) (2013) (providing that a sale pursuant to the provisions of NRS Chapter 107 vests title in the purchaser); *see also SFR Invs. Pool 1 v. U.S. Bank*, 130 Nev. 742, 746, 334 P.3d 408, 411 (2014) (discussing how HOA foreclosures follow NRS Chapter 107). Thus, the necessary parties to a quiet title action are those that claim interest following the foreclosure. *See* NRCP 19. Here, Ocwen and Chersus are the only parties with remaining interests on the subject real property. As such, this Court should dismiss Southern Terrace from this appeal.

Alternatively, and in the event this Court determines that Southern Terrace is, at best, a nominal necessary party to the quiet title

claim at issue in this appeal, this Court should excuse Southern Terrace from filing an answering brief and permit Southern Terrace to file a joinder only if and after Chersus files its answering brief.

By order of this court, Respondent Chersus was expected to file an answering brief on or before April 11, 2022. Southern Terrace previously filed a motion asking this Court to grant it permission to file a limited joinder to Chersus' answering brief by April 13, 2022, if one was necessary. Surprisingly and for reasons not yet known, Chersus failed to file an answering brief by April 11, 2022. Counsel for Southern Terrace's attempts to contact Chersus' counsel by various means regarding the status of its answering brief have been unsuccessful as of the filing of this motion.

Because Southern Terrace is, at most, a nominal necessary party to this appeal, it would be unreasonable and a waste of resources to require Southern Terrace to file an answering brief. Briefing should be initiated by Ocwen and Chersus as the only parties with remaining interests on the subject real property. Therefore, this Court should excuse Southern Terrace from filing an answering brief.

If this Court requires any brief from Southern Terrace, it should permit Southern Terrace to file a joinder to Chersus' answering brief and extend the time for Southern Terrace to file such a joinder to a reasonable time after Chersus files its answering brief.

This request for relief is not intended to unreasonably delay this action. Southern Terrace believes there is a substantial need and good cause for the requested relief, and that this request satisfies this Court's requirement that any further extension request be the result of extraordinary and compelling circumstances.

DATED: April 13, 2022.

SURUR LAW GROUP, LLC

/s/ Ashlie L. Surur

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## CERTIFICATE OF SERVICE

I certify that I electronically filed on April 13, 2022, the foregoing Respondent Southern Terrace Homeowners Association's Motion to Dismiss, Or, In The Alternative, Motion To Excuse It From Filing An Answering Brief with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic file and serve system. I further certify that all parties of record to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List.

I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Ashlie Surur

An employee of SURUR LAW GROUP, LLC