

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

2 WELLS FARGO BANK,

Case No.: 58283

3 *Appellant,*

District Court Case No. CV-10-03382

4 v.

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Oct 13 2011 09:36 a.m.

5 DUKE RENSLOW and TINA
 RENSLOW,

Tracie K. Lindeman
Clerk of Supreme Court

6 *Respondents.*

7
8 **MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

9 The United Trustees Association (“UTA”) hereby requests leave of this Court to
10 file an *amicus curiae* brief addressing issues involved in the instant appeal.

11 UTA is an organization comprised of those acting as foreclosure trustees
12 executing powers of sale contained in deeds of trust in accordance with the provisions of
13 Nevada Revised Statute 107.080. Members include employees of title companies,
14 financial institutions, independent companies, attorneys, and allied and support
15 organizations. UTA hosts advanced courses, certifications, and an annual educational
16 conference taught by experts in the field of foreclosure law, as well as a trade show that is
17 widely considered one of the best in the industry. Most importantly, with respect to this
18 litigation, UTA and its members have actively participated in the Foreclosure Mediation
19 Program, and have been scrupulous in adhering to its mandate and rules. Additionally,
20 UTA believes that the outcome of this litigation may directly affect the way that UTA
21 members conduct their business. Therefore, UTA petitions the court for leave to file an
22 *amicus curiae* brief in support of reversal of the District Court.

23 UTA’s *amicus* brief respectfully submits that Assembly Bill 149, creating the
24 Nevada Foreclosure Mediation Program, constitutes an assumption of executive authority
25 by the Nevada Supreme Court that violates separation of powers pursuant to Article 3,
26 Section 1 of the Nevada Constitution.
27

1 UTA argues that the potential negative fall-out following a decision that the
2 district court can modify a loan through its authority would exert an adverse impact on
3 the ability of potential borrowers to obtain mortgage loans in Nevada and exacerbate the
4 already depressed housing market conditions in the State, contrary to the intention of the
5 Foreclosure Mediation Program.

6 This appeal raises issues of significant importance regarding the constitutionality
7 of the Nevada Foreclosure Mediation Program, and UTA believes that the interests of the
8 people of Nevada and the interests of justice will be served by this Court's allowing a
9 timely *amicus curiae* brief from an organization representing diverse individuals and
10 entities that conduct non-judicial foreclosures in Nevada, and currently participate in
11 Nevada's Foreclosure Mediation Program. Accordingly, therefore, UTA requests that
12 this Court extend leave to file an *amicus* brief.

13 UTA's proposed *amicus* brief is hereby submitted to the Court along with the
14 filing of this Motion. UTA respectfully requests that the Court permit the *amicus curiae*
15 brief to be filed pursuant to NRAP 29.

16 DATED this 12 day of October, 2011.

17
18 By: _____

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