IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BOMBAY REEF, LLC, A NEVADA LIMITED LIABILITY COMPANY,
Appellant,
vs.
BANK OF AMERICA, N.A., A NATIONAL BANKING ASSOCIATION,
Respondent.

No. 89683-COA

FILED
MAR 30 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bombay Reef, LLC, appeals from a final district court order in an action to quiet title. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

Bombay Reef was the owner of a residential property and initiated an action to quiet title. In the operative complaint, Bombay Reef raised several claims involving respondent Bank of America, N.A. (BANA), the beneficiary of a deed of trust encumbering the property. As relevant to this matter, Bombay Reef alleged that the deed of trust had been extinguished as a matter of law under NRS 106.240, which it alleged was triggered by a notice of intent to accelerate the underlying debt in a letter sent to the original borrowers in 2010. BANA later filed a motion to dismiss, asserting the facts as alleged were insufficient to state a claim for which relief could be granted. Bombay Reef opposed the motion.

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The district court ultimately issued a written order dismissing Bombay Reef's NRS 106.240 claim. The district court later entered an order adopting the parties' stipulation to dismiss all remaining claims but preserving Bombay Reef's ability to challenge on appeal the dismissal of its NRS 106.240 claim. This appeal followed.

On appeal, Bombay Reef argues the district court erred by dismissing its NRS 106.240 claim because it contends that the terms of the deed of trust permitted acceleration of the loan; the lender sent the original borrowers a notice indicating the acceleration of the loan secured by the deed of trust more than ten years ago; and because the loan was accelerated, the deed of trust that secured that debt became extinguished pursuant to NRS 106.240.

We rigorously review a district court order granting an NRCP 12(b)(5) motion to dismiss, accepting all of the plaintiff's factual allegations as true and drawing every reasonable inference in the plaintiff's favor to determine whether the allegations are sufficient to state a claim for relief. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). A complaint should be dismissed for failure to state a claim "only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief." *Id.* at 228, 181 P.3d at 672.

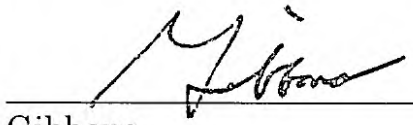
Having considered the parties' arguments and the record before this court, we conclude the district court did not err by dismissing Bombay Reef's NRS 106.240 claim. Bombay Reef's arguments are contrary to several decisions issued by the Nevada Supreme Court. *See LV Debt Collect, LLC v. Bank of N.Y. Mellon*, 139 Nev. 232, 236-37, 534 P.3d 693, 698 (2023) (explaining that recording a notice of default to institute nonjudicial foreclosure proceedings does not trigger NRS 106.240's 10-year time frame in part because of the statutory cure period); *Arns Fund, LLC v. JPMorgan Chase Bank, N.A.*, No. 88661, 2025 WL 3251312, at *1 (Nev. Nov. 20, 2025) (Order Affirming in Part, Reversing in Part and Remanding) (stating that "merely defaulting on a loan or sending a letter informing the homeowner of their default [was] insufficient to trigger NRS 106.240" and rejecting an argument that the terms of the deed of trust rendered the debt wholly due when the borrower had the opportunity to cure the default).

As a result, we conclude that, under the language of the deed of trust that provided the borrowers an opportunity to cure a default, neither the default nor the letter allegedly sent to the original borrowers could have accelerated the due date on the loan, and thus the ten-year period under NRS 106.240 was not triggered. Therefore, Bombay Reef fails to demonstrate that it is entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.[1]



_____, C.J.
Bulla



_____, J.
Gibbons



_____, J.
Westbrook

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[1]Insofar as the parties raise arguments that are not specifically addressed in this order, we conclude that they either do not present a basis for relief or need not be addressed.

In addition, BANA has requested that this court sanction Bombay Reef pursuant to NRAP 38 on the ground that this appeal is frivolous. We note that counsel for Bombay Reef has raised substantially similar arguments concerning application of NRS 106.240 on appeal in other matters, those arguments have been soundly rejected by the appellate courts, and this court has issued orders cautioning counsel for Bombay Reef that this court may impose sanctions under NRAP 38 when it "determines that an appeal is frivolous or was brought or maintained without reasonable ground or solely for purposes of delay, or whenever the appellate processes of the court have otherwise been misused." *TWT Invs., LLC v. Nationstar Mortg., LLC*, No. 88984-COA, 2025 WL 2741615, at *3 n.3 (Nev. Ct. App. Sept. 25, 2025) (Order of Affirmance) (internal quotation marks omitted); *see also Norman, LLC v. Affinia Default Servs., LLC*, No. 88524-COA, 2025 WL 3248511, at *3 n.3 (Nev. Ct. App. Nov. 20, 2025) (Order of Affirmance). Because Bombay Reef submitted its opening brief prior to the warning given in our earlier orders, we decline to issue a sanction at this time. But we again warn counsel for Bombay Reef that this court may impose sanctions under NRAP 38 should counsel pursue a frivolous appeal or misuse the appellate process of the court.

cc: Hon. Jacob A. Reynolds, District Judge
Hong & Hong
Akerman LLP/Las Vegas
Eighth District Court Clerk