Nationstar Mortgage LLC v. Auburn and Bradford at Providence Homeowners' Association et al Doc. 17

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Nationstar Mortgage, LLC, Plaintiff v. Auburn and Bradford at Providence HOA, et al., Defendants	2:16-cv-02580-JAD-CWH **Order Directing Clerk of Court to Accept Security of Costs Under NRS 18.130** [ECF No. 12]

Defendant SFR Investments Pool 1, LLC has demanded that plaintiff Nationstar Mortgage, LLC, an out-of-state resident, post a cost bond under NRS 18.130(1).[1] The statute allows a defendant in an action brought by an out-of-state plaintiff to demand that the plaintiff post a bond to secure costs up to $500.[2] Once the demand is filed and served, "all proceedings in the action shall be stayed" until the cost bond is deposited.[3] If the bond is not posted within 30 days of the demand, the defendant may move for dismissal.[4]

Because a court order is required in this district for the Clerk of Court to permit the posting of a cost bond, the demand is tracked as a motion in the court's system. Accordingly, with good cause appearing, IT IS HEREBY ORDERED that

- SFR's Demand for Security of Costs **[ECF No. 12] is GRANTED**;
- If the plaintiff presents the cost bond for deposit, **the CLERK OF COURT is directed**

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[1] ECF No. 8.

[2] Nev. Rev. Stat. § 18.130(1).

[3] *Id.*

[4] Nev. Rev. Stat. § 18.130(4). SFR states "Should the Lender fail to comply with the requirements of NRS 18.130 within thirty (30) days, SFR requests this action be dismissed." ECF No. 12 at 3. If SFR desires to dismiss this case under NRS 18.130, it must file a separate and properly supported motion to dismiss.

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to accept the deposit of $500.00 under NRS 18.130 as security for costs and charges that may be awarded against this plaintiff. Plaintiff must bring a copy of this order to the Clerk's office when making this deposit.

IT IS FURTHER ORDERED that this case is stayed under NRS 18.130(1) until the $500 is deposited.

DATED: February 14, 2017

Jennifer A. Dorsey
United States District Judge