

THOMAS D. OQUIST; BETTEJANE JENKINS, Plaintiffs-Appellants,
v.
WELLS FARGO BANK, N.A., Successor by merger to Wachovia
Mortgage, FKA World Savings Bank, FSB, Defendant-Appellee.

[No. 17-35124.](#)

United States Court of Appeals, Ninth Circuit.

Submitted October 23, 2017. [\[**\]](#)

Filed November 1, 2017.

Appeal from the United States District Court for the Western District of Washington; D.C. No. 2:16-cv-00452-TSZ, Thomas S. Zilly, District Judge, Presiding.

Before: LEAVY, WATFORD, and FRIEDLAND, Circuit Judges.

NOT FOR PUBLICATION

MEMORANDUM [\[*\]](#)

Thomas D. Oquist and Bettejane Jenkins appeal from the district court's summary judgment in their Truth in Lending Act ("TILA") action seeking rescission. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. [Hauk v. JP Morgan Chase Bank USA, 552 F.3d 1114, 1117 \(9th Cir. 2009\)](#). We affirm.

The district court properly granted summary judgment because plaintiffs failed to raise a genuine dispute of material fact as to whether they timely sent defendants a notice of rescission. *See* 15 U.S.C. § 1635(a), (f) (a borrower may rescind a loan within three days of a loan transaction, or within three years if the lender fails to make required disclosures to the borrower); *see also Jesinoski v. Countrywide Home Loans, Inc., 135 S. Ct. 790, 792 (2015)* (a borrower may exercise right of rescission by notifying the lender of borrower's intent to rescind within three years after the transaction is consummated); [Miguel v. Country Funding Corp., 309 F.3d 1161, 1164 \(9th Cir. 2002\)](#) ("**[Section] 1635(f) is a statute of repose, depriving the courts of subject matter jurisdiction when a § 1635 claim is brought outside the three-year limitation period.**")

We reject as without merit plaintiffs' contention that the subject loan transaction was not consummated.

AFFIRMED.

[\[**\]](#) The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

[\[*\]](#) This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.