

IN THE SUPREME COURT OF THE STATE OF NEVADA

VILLA PALMS COURT 102 TRUST,
Appellant,
vs.
WILLIAM L. RILEY, AN INDIVIDUAL;
AND DEUTSCHE BANK NATIONAL
TRUST COMPANY, AN EXPIRED
NEVADA CORPORATION IN ITS
CAPACITY AS INDENTURE TRUSTEE
FOR THE NOTEHOLDERS OF AAMES
MORTGAGE INVESTMENT TRUST
2005-3, A DELAWARE STATUTORY
TRUST,
Respondents.

No. 62528

FILED

NOV 10 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER VACATING AND REMANDING

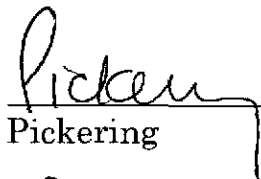
This is an appeal from an order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

The district court denied Villa Palms' preliminary injunction motion, finding that Villa Palms failed to demonstrate a reasonable likelihood of success on the merits because the La Posada's "foreclosure of its super-priority lien under NRS Chapter 116 did not impact or extinguish Deutsche Bank's first security on the subject property." This court's recent disposition in *SFR Investments v. U.S. Bank, NA*, 130 Nev. ___, 334 P.3d 408 (2014), decides that a common-interest community association's NRS 116.3116(2) superpriority lien has true priority over a first security interest, and the association may nonjudicially foreclose on that lien. The district court's decision thus was based on an erroneous

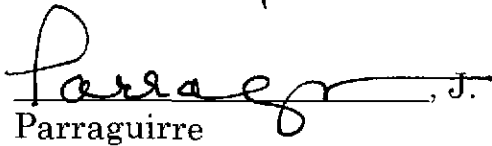
interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

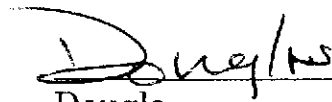
VACATE the order denying preliminary injunctive relief and REMAND for further proceedings consistent with this order.

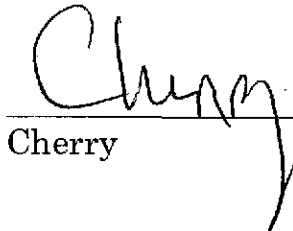

Gibbons, C.J.



Pickering, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

cc: Hon. Timothy C. Williams, District Judge
Israel Kunin, Settlement Judge
Greene Infuso, LLP
McCarthy & Holthus, LLP/Las Vegas
Legal Aid Center of Southern Nevada
Robison Belaustegui Sharp & Low
Eighth District Court Clerk