

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANN STREET TRUST,
Appellant,
vs.
HEATHER P. NEWMAN, AN
INDIVIDUAL; AND BANK OF
AMERICA, NATIONAL ASSOCIATION,
Respondents.

No. 63066

FILED

NOV 03 2014

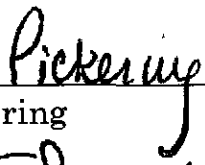
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

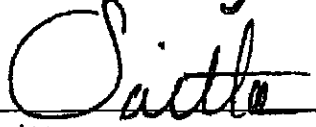
ORDER OF REVERSAL AND REMAND

This is an appeal from an order, certified as final under NRCP 54(b), granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

The district court granted Bank of America's motion to dismiss, finding that Mann Street Trust had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision "refers to a judicial foreclosure 'action' and is not applicable when the homeowners' association foreclosed its lien under . . . the nonjudicial foreclosure statutes." This court's recent disposition in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 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


REVERSE the order granting the motion to dismiss AND
REMAND for proceedings consistent with this order.


_____, J.
Pickering


_____, J.
Saitta

PARRAGUIRRE, J., concurring:

For the reasons stated in the *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), dissent, I disagree that respondent Bank of America lost its lien priority by virtue of the homeowners association's nonjudicial foreclosure sale. I recognize, however, that *SFR Investments* is now the controlling law and, thusly, concur in the disposition of this appeal.


_____, J.
Parraguirre

cc: Hon. Douglas W. Herndon, District Judge
Greene Infuso, LLP
Akerman LLP/Las Vegas
Lewis Roca Rothgerber LLP/Las Vegas
Heather P. Newman
Eighth District Court Clerk