

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOURNE VALLEY COURT TRUST,  
Appellant,  
vs.  
WELLS FARGO BANK, N.A., AS  
TRUSTEE FOR THE HOLDERS OF  
THE SARM 2005-14 TRUST FUND  
WELLS FARGO BANK; RECONTRUST  
COMPANY; AND COUNTRYWIDE  
HOME LOANS, INC.,  
Respondents.

No. 63184

**FILED**

NOV 03 2014

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

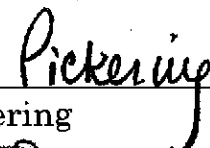
*ORDER OF REVERSAL AND REMAND*

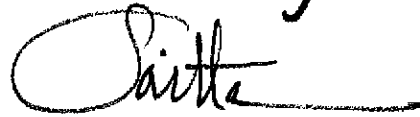
This is an appeal from an order, certified as final under NRCPC 54(b), granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

The district court granted respondents' motion to dismiss, finding that Bourne Valley Court Trust had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision merely "establishes a payment priority relative to a first security interest." 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

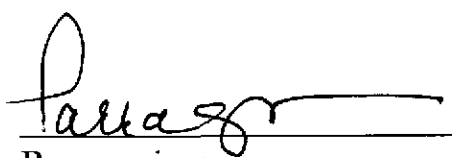
REVERSE the order granting the motion to dismiss AND REMAND for proceedings consistent with this order.

  
\_\_\_\_\_, 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 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. Michael Villani, District Judge  
Law Offices of Michael F. Bohn, Ltd.  
Wright, Finlay & Zak, LLP/Las Vegas  
Eighth District Court Clerk