

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOURNE VALLEY COURT TRUST,  
Appellant,  
vs.  
CITIBANK, N.A.; AS TRUSTEE FOR  
CERTIFICATEHOLDERS OF  
STRUCTURED ASSET MORTGAGE  
INVESTMENTS II TRUST 2007-AR6,  
MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2007-AR6;  
QUALITY LOAN SERVICE  
CORPORATION; AND JULIANA  
GUEVARA,  
Respondents.

No. 63282

**FILED**

NOV 03 2014

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

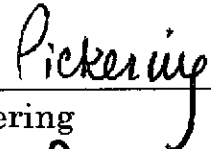
*ORDER OF REVERSAL AND REMAND*

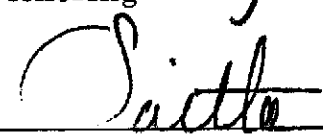
This is an appeal from an order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

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 "creates a limited super priority lien for 9 months of HOA assessments leading up to the foreclosure of the first mortgage, but it does not eliminate the 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. Kathleen E. Delaney, District Judge  
Law Offices of Michael F. Bohn, Ltd.  
Smith Larsen & Wixom  
McCarthy & Holthus, LLP/Las Vegas  
Eighth District Court Clerk