

IN THE SUPREME COURT OF THE STATE OF NEVADA

3182 TARPON 103 TRUST,
Appellant,
vs.
WELLS FARGO BANK NATIONAL
ASSOCIATION; AND ANY AND ALL
OTHER PERSONS UNKNOWN
CLAIMING ANY RIGHT, TITLE,
ESTATE, LIEN OR INTEREST IN THE
PROPERTY ADVERSE TO THE
PLAINTIFF'S OWNERSHIP, OR ANY
CLOUD UPON PLAINTIFF'S TITLE
THERE TO,
Respondents.

No. 63409

FILED

NOV 14 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER VACATING AND REMANDING

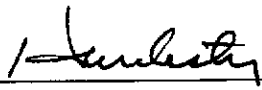
This is an appeal from an order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.¹

The district court denied appellant's preliminary injunction motion, finding that appellant failed to demonstrate a reasonable likelihood of success on the merits because Canyon Willow Owners Association's "foreclosure of its super-priority lien under N.R.S. 116 did not extinguish Wells Fargo's first security interest on the Subject Property." 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

¹Although Judge J. Charles Thompson signed the appealed order, we clarify that Judge Earley heard and decided the issues that formed the basis for the order.

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

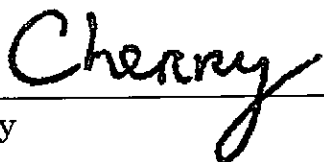
VACATE the order denying preliminary injunctive relief AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, J.
Hardesty


_____, J.
Douglas

CHERRY, 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 Wells Fargo 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.
Cherry

cc: Chief Judge, The Eighth Judicial District Court
Hon. Kerry Louise Earley, District Judge
Hon. J. Charles Thompson, Senior Judge
Greene Infuso, LLP
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk