

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A
DOMESTIC NEVADA LIMITED
LIABILITY COMPANY,

Appellant,

vs.

FIRST HORIZON HOME LOANS, A
DIVISION OF FIRST TENNESSEE
BANK, N.A., A NATIONAL
ASSOCIATION,

Respondent.

No. 63451

FILED

NOV 03 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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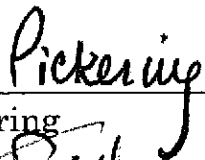

ORDER OF REVERSAL AND REMAND

This is an appeal from orders denying a preliminary injunction and granting dismissal in a quiet title action. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

The district court denied SFR Investments' preliminary injunction motion, finding that SFR Investments was not likely to succeed on the merits because "NRS 116.3116(2)(c) 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." (Quoting *Diakonos Holdings, LLC v. Countrywide Home Loans, Inc.*, No. 2:12-CV-00949-KJD-RJJ, 2013 WL 531092, at *3 (D. Nev. Feb. 11, 2013)). The district court granted First Horizon's motion to dismiss for the same reason. This court's recent disposition in *SFR Investments v. U.S. Bank, NA*, 130 Nev. ___, ___ P.3d ___ (Adv. Op. No. 75, September 18, 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

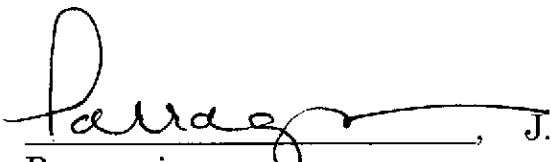
association may nonjudicially foreclose on that lien. The district court's decisions thus were based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court 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. Jessie Elizabeth Walsh, District Judge
Howard Kim & Associates
Ballard Spahr, LLP
Eighth District Court Clerk