IN THE SUPREME COURT OF THE STATE OF NEVADA

DRYSDALE CIRCLE TRUST,
Appellant,
vs.
BANK OF AMERICA, NATIONAL
ASSOCIATION,
Respondent.

No. 63542

FILED

NOV 0 3 2014

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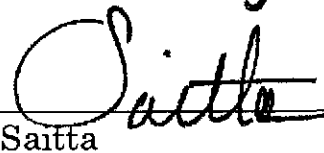BY S. Young
DEPUTY CLERK

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; Valorie J. Vega, Judge.

The district court granted Bank of America's motion to dismiss, finding that Drysdale Circle Trust had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision "generally affords first mortgage lien holders priority over assessment liens" and "requires an HOA to institute a judicial action in order to trigger and enforce any super priority lien." 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

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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. Valorie J. Vega, District Judge
       Greene Infuso, LLP
       Akerman LLP/Las Vegas
       Miles, Bauer, Bergstrom & Winters, LLP
       Eighth District Court Clerk