

IN THE SUPREME COURT OF THE STATE OF NEVADA

LN MANAGEMENT LLC SERIES 3225
CASEY 204,
Appellant,
vs.
WELLS FARGO BANK, N.A.,
Respondent.

No. 63764

FILED

NOV 03 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
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; Jerry A. Wiese, Judge.

The district court denied LN Management's preliminary injunction motion, finding that LN Management failed to demonstrate a reasonable likelihood of success on the merits because "N.R.S. 116.3116 merely creates a priority in payment and not a lien priority." 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

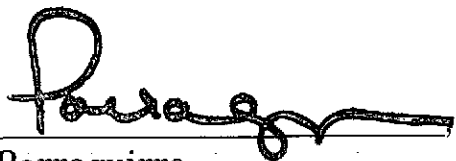
VACATE the order denying preliminary injunctive relief AND REMAND for further proceedings consistent with this order.¹


_____, 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. Jerry A. Wiese, District Judge
Kerry P. Faughnan
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk

¹The injunction imposed by our September 20, 2013, order is vacated.