

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC., A
FOREIGN LIMITED LIABILITY
COMPANY,
Respondent.

No. 63796

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 a district court order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

The district court denied SFR Investments' preliminary injunction motion, finding that SFR Investments failed to demonstrate a reasonable likelihood of success on the merits because "it has not shown that it is a bona fide purchaser and in the absence of such a determination it has not shown that Defendant was given due process and appropriate notice prior to any claim that its security interest was being eliminated."

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. Thus, the district court's decision, insofar as it was based on the conclusion that appellant had record notice of a first-priority security interest and did not recognize the complaint's

factual allegations as true, was based on an erroneous interpretation of the controlling law. Accordingly, we

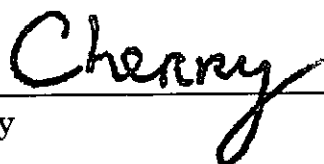
VACATE the order denying preliminary injunctive relief AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, 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 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: Hon. Joanna Kishner, District Judge
Howard Kim & Associates
Akerman LLP/Las Vegas
Eighth District Court Clerk