

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC,  
Appellant,

vs.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR FIRST  
FRANKLIN MORTGAGE LOAN TRUST  
2006-FF11, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF11,  
Respondent.

No. 63817

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

vs.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR FIRST  
FRANKLIN MORTGAGE LOAN TRUST  
2006-FF11, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF11,  
Respondent.

No. 64415

**FILED**

NOV 25 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

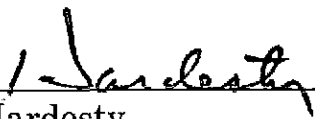
*ORDER VACATING, REVERSING, AND REMANDING*

These are consolidated appeals from a district court order denying a preliminary injunction and an order granting a motion to dismiss, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

The district court denied SFR Investments' motion for a preliminary injunction, finding that SFR Investments was not likely to succeed on the merits. The district court then granted Deutsche Bank's motion to dismiss, concluding that "the language in NRS 116.3116(2)[ ] does not extinguish a first, position Deed of Trust." 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 decisions thus were based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

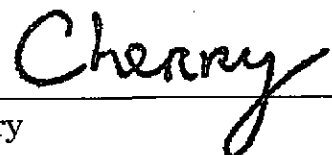
VACATE the order denying preliminary injunctive relief, REVERSE the order granting the motion to dismiss, AND REMAND this matter to the district court for further proceedings consistent with this order.

  
\_\_\_\_\_, 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 these appeals.

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Jerry A. Wiese, District Judge  
Howard Kim & Associates  
Wright, Finlay & Zak, LLP/Las Vegas  
Eighth District Court Clerk