

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Appellant,
vs.
WELLS FARGO BANK, N.A., A
NATIONAL ASSOCIATION,
Respondent.

No. 63892

FILED

NOV 03 2014

TRACIE K. LINDEMAN
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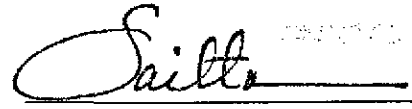
ORDER VACATING AND REMANDING

This is an appeal from an order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Timothy C. Williams, 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 "[a] priority lien arising under NRS 116.3116(2) creates a payment priority" and "does not extinguish the rights of a holder of a prior recorded first security interest in the subject property." 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

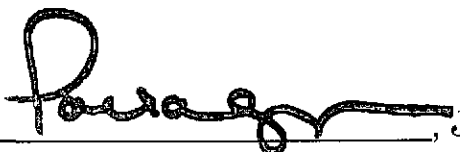
VACATE the order denying preliminary injunctive relief AND
REMAND for further proceedings consistent with this order.


_____, 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. Timothy C. Williams, District Judge
Howard Kim & Associates
David J. Merrill, P.C.
Eighth District Court Clerk