

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellant,

vs.

GREEN TREE FINANCIAL SERVICING
CORPORATION, A FOREIGN LIMITED
LIABILITY COMPANY,

Respondent.

No. 63915

FILED

NOV 25 2014

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

ORDER VACATING, REVERSING, AND REMANDING

This is an appeal from a district court order denying a preliminary injunction and 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; Susan Johnson, Judge.

The district court denied SFR Investments' motion for a preliminary injunction, finding that SFR Investments was not likely to succeed on the merits because NRS 116.3116(2)'s superpriority provision does not extinguish a first security interest. The district court granted Green Tree's motion to dismiss for the same reason. 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.

Hardesty, J.
Hardesty

Douglas, 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.

Cherry, J.
Cherry

cc: Hon. Susan Johnson, District Judge
Howard Kim & Associates
Brooks Hubley LLP
Eighth District Court Clerk