

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC,  
Appellant,

vs.

THE BANK OF NEW YORK MELLON, A  
DELAWARE CORPORATION F/K/A THE  
BANK OF NEW YORK, AS TRUSTEE FOR  
THE CERTIFICATEHOLDERS CWALT,  
INC. ALTERNATIVE TRUST 2005-84  
MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2005-84,  
Respondent.

No. 63929

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

vs.

THE BANK OF NEW YORK MELLON, A  
DELAWARE CORPORATION F/K/A THE  
BANK OF NEW YORK, AS TRUSTEE FOR  
THE CERTIFICATEHOLDERS CWALT,  
INC. ALTERNATIVE TRUST 2005-84  
MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2005-84,  
Respondent.

No. 64374

**FILED**

NOV 25 2014

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

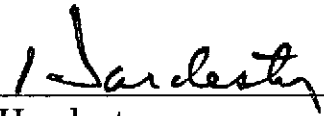
*ORDER VACATING, REVERSING, AND REMANDING*

These are consolidated appeals from a district court order denying a preliminary injunction and an order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Michael Villani, 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 "only creates a priority payment from foreclosure proceeds." The district

court granted Bank of New York Mellon'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

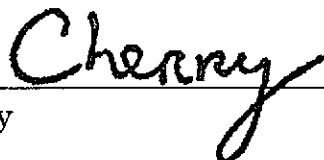
VACATE the order denying preliminary injunctive relief, REVERSE the order granting the motion to dismiss, AND REMAND this matter to the district court for further proceedings consistent with this order.

  
\_\_\_\_\_, 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. Michael Villani, District Judge  
Howard Kim & Associates  
Akerman LLP/Las Vegas  
Goodman, Shapiro & Lombardi, LLC  
Hall Jaffe & Clayton, LLP  
HindmanSanchez  
Marcus, Errico, Emmer & Brooks, P.C.  
Eighth District Court Clerk