

IN THE SUPREME COURT OF THE STATE OF NEVADA

OLIVER SAGE DRIVE TRUST,
Appellant,
vs.
BAC HOME LOAN SERVICING, LP
F/K/A COUNTRYWIDE HOME LOAN
SERVICING, LP; AND RECONTRUST
COMPANY, A SUBSIDIARY OF BANK
OF AMERICA,
Respondents.

No. 64014

FILED

NOV 03 2014

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


ORDER OF REVERSAL AND REMAND

This is an appeal from an order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

The district court granted respondents' motion to dismiss, finding that Oliver Sage Drive Trust had failed to state a viable claim for relief because "the foreclosure of a homeowners association lien . . . does not extinguish an earlier-recorded first mortgage." 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

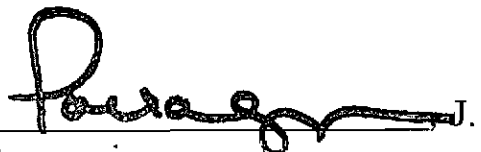
REVERSE the order granting the motion to dismiss AND
REMAND for proceedings consistent with this order.¹


_____, 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. Mark R. Denton, District Judge
Law Offices of Michael F. Bohn, Ltd.
Akerman LLP/Las Vegas
Ballard Spahr, LLP
Eighth District Court Clerk

¹The injunction imposed by our March 3, 2014, order is vacated.