

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRST 100, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Appellant,
vs.
FIRST HORIZON HOME LOAN
CORPORATION, A FOREIGN
CORPORATION; AND QUALITY LOAN
SERVICE CORPORATION, A FOREIGN
CORPORATION,
Respondents.

No. 64031

FILED

NOV 25 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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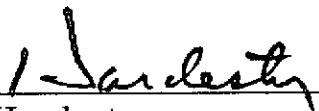
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order granting motions to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

The district court granted respondents' motions to dismiss, finding that appellant 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" and, instead, "the HOA lien is in parity with an earlier-recorded first mortgage with respect to extinguishment—i.e., the foreclosure of neither extinguishes the other." 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

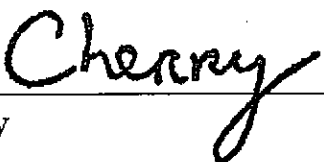
REVERSE the order granting the motions to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, 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 First Horizon 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.
Cherry

cc: Hon. Douglas Smith, District Judge
Maier Gutierrez Ayon, PLLC
Akerman LLP/Las Vegas
McCarthy & Holthus, LLP/Las Vegas
Eighth District Court Clerk