

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,  
Appellant,  
vs.  
GREEN TREE SERVICING, LLC, A  
FOREIGN LIMITED LIABILITY  
COMPANY,  
Respondent.

No. 64254

**FILED**

NOV 03 2014

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


*ORDER OF REVERSAL AND REMAND*

This is an appeal from an order, certified as final under NRCP 54(b), granting a motion for summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

The district court granted Green Tree Servicing's motion for summary judgment, finding that Green Tree Servicing was entitled to a judgment as a matter of law because "[t]he institution of an action or suit brought in a court of competent jurisdiction is a condition precedent to elevating the status of the association's junior lien to 'super priority.'" 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 summary judgment AND  
REMAND for 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. David B. Barker, District Judge  
Howard Kim & Associates  
Brooks Hubley LLP  
Eighth District Court Clerk