

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC,
Appellant,
vs.
BAC HOME LOANS SERVICING, LP
F/K/A COUNTRYWIDE HOME LOANS,
LP,
Respondent.

No. 64329

FILED

NOV 24 2014

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

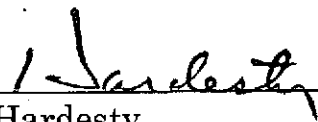
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court summary judgment, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

The district court granted respondent's motion for summary judgment, finding that respondent was entitled to a judgment as a matter of law because "[n]on-judicial foreclosure, as employed in this case, simply does not afford a first mortgage lien holder adequate due process to protect its lien interests. Therefore this Court must read NRS 116.3116(2) to require the HOA to institute a judicial foreclosure action to enforce its super priority lien interest." 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

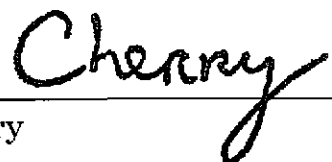
REVERSE the order granting summary judgment AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, 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 this appeal.


_____, J.
Cherry

cc: Hon. Nancy L. Alf, District Judge
Howard Kim & Associates
Akerman LLP/Las Vegas
Eighth District Court Clerk