

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAISY TRUST,  
Appellant,  
vs.  
CITIMORTGAGE, INC.,  
Respondent.

No. 64367

**FILED**

NOV 25 2014

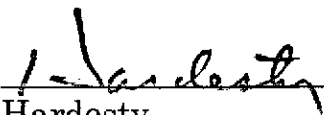
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court judgment on the pleadings, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

The district court granted Citimortgage's motion for a judgment on the pleadings, finding that Daisy Trust had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision does not extinguish a first security 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

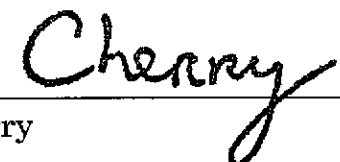
REVERSE the judgment on the pleadings AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, 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. Jessie Elizabeth Walsh, District Judge  
Law Offices of Michael F. Bohn, Ltd.  
Akerman LLP/Las Vegas  
Eighth District Court Clerk