

IN THE SUPREME COURT OF THE STATE OF NEVADA

LN MANAGEMENT LLC SERIES 5147
SOUVENIR,
Appellant,
vs.
WELLS FARGO BANK, N.A.,
Respondent.

No. 64496

FILED

MAR 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

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

The district court granted respondent's motion to dismiss, concluding that appellant had failed to state a viable claim for relief because Souvenir Homeowners Association's nonjudicial foreclosure sale could not, as a matter of law, extinguish respondent's deed of trust. In *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev., Adv. Op. 75, 334 P.3d 408 (2014), this court decided 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. Thus, the district court's decision was based on an erroneous

interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

Hardesty, J.
Hardesty

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: Hon. Nancy L. Allf, District Judge
Kerry P. Faughnan
Snell & Wilmer, LLP/Tucson
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk