

IN THE SUPREME COURT OF THE STATE OF NEVADA

REX ARCHAMBAULT, AN  
INDIVIDUAL,  
Appellant,  
vs.  
NATIONSTAR MORTGAGE, LLC, AS  
ASSIGNEE OF FIRST NATIONAL  
BANK OF ARIZONA; AND PATERNO  
C. JURANI, ESQ., AS TRUSTEE FOR  
NATIONSTAR MORTGAGE, LLC,  
Respondents.

No. 64507

**FILED**

NOV 25 2014

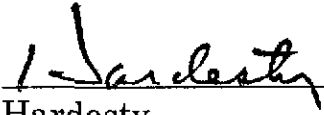
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

The district court granted respondents' motion to dismiss, finding that appellant had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision "merely sets forth an order of payment and allows the HOA to recover 9 months of assessments from the proceeds of the beneficiary's non-judicial foreclosure." 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

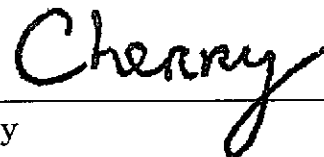
REVERSE the order granting the motion to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.<sup>1</sup>

  
\_\_\_\_\_, 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 Nationstar 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. Jerry A. Wiese, District Judge  
Law Offices of Noggle Law PLLC  
Akerman LLP/Las Vegas  
Miles, Bauer, Bergstrom & Winters, LLP  
Eighth District Court Clerk

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<sup>1</sup>The injunction imposed by our January 22, 2014, order is vacated.