

IN THE SUPREME COURT OF THE STATE OF NEVADA

LITTLE HORSE AVENUE TRUST,
Appellant,
vs.
BANK OF AMERICA, N.A. F/K/A HOME
LOANS SERVICING, LP F/K/A
COUNTRYWIDE HOME LOANS
SERVICING, LP,
Respondent.

No. 64511

FILED

NOV 25 2014

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

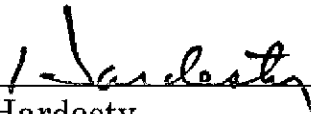
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court summary judgment in a quiet title action.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.

The district court granted respondent's motion for judgment on the pleadings, finding that appellant had failed to state a viable claim for relief because "[a] non-judicial foreclosure sale under NRS Chapter 116 does not eliminate a previously recorded senior deed of trust." 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

¹While the appealed-from order grants summary judgment in favor of appellant with respect to appellant's claims against another defendant, appellant is challenging on appeal the district court's judgment on the pleadings in favor of respondent.

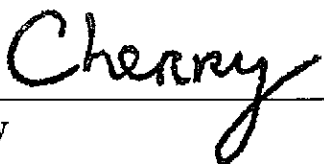
REVERSE the judgment on the pleadings AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, 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. David B. Barker, District Judge
Greene Infuso, LLP
Akerman LLP/Las Vegas
Eighth District Court Clerk