

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOURNE VALLEY COURT TRUST,
Appellant,
vs.
JP MORGAN MORTGAGE TRUST 2004-
S2, MORTGAGE PASS-THROUGH
CERTIFICATES, BY PHH MORTGAGE
CORPORATION AS SERVICER; AND
COOPER CASTLE LAW FIRM, LLP,
Respondents.

No. 64530

FILED

NOV 20 2014


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

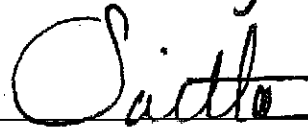
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order 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 "the foreclosure conducted by Seven Hills Master Community Association . . . did not extinguish JPMMT's 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

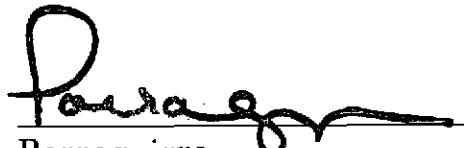
REVERSE the order granting the motion to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.¹


_____, J.
Pickering


_____, J.
Saitta

PARRAGUIRRE, 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 JP Morgan 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.
Parraguirre

cc: Hon. Jerry A. Wiese, District Judge
Law Offices of Michael F. Bohn, Ltd.
The Castle Law Group, LLP
Eighth District Court Clerk

¹The injunction imposed by our February 10, 2014, order is vacated.