

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

WELLS FARGO BANK, N.A.; AND NV
WEST SERVICING, LLC, A LIMITED
LIABILITY COMPANY, AS TRUSTEE
FOR LAKOTA TRUST #8660,
Respondents.

No. 64672

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 and wrongful foreclosure action. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

The district court granted respondents' motions to dismiss, finding that SFR Investments had failed to state a viable claim for relief because "the HOA may have a priority for payment of its lien, but the first security interest Deed was not extinguished by the foreclosure sale conducted by the HOA." 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 decisions thus were based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

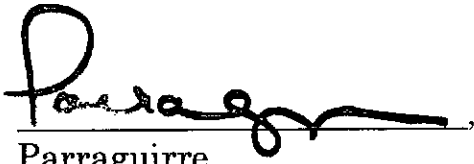
REVERSE the orders granting the motions to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, 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 Wells Fargo 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. Ronald J. Israel, District Judge
Howard Kim & Associates
Buckley Madole, P.C.
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk