

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA SANDCASTLES, LLC,
Appellant,
vs.
CITIBANK, N.A., AS TRUSTEE FOR
STRUCTURED ASSET MORTGAGE
INVESTMENTS II TRUST 2007-AR3
MORTGAGE PASS-THROUGH
CERTIFICATE SERIES 2007-AR3,
Respondent.

No. 64788

FILED

NOV 20 2014

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

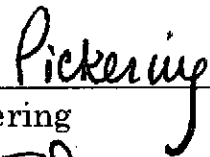
ORDER VACATING, REVERSING, AND REMANDING


This is an appeal from a district court order, certified as final under NRCP 54(b), granting a motion to dismiss and denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

The district court denied Nevada Sandcastles' motion for a preliminary injunction and granted Citibank's motion to dismiss, concluding that foreclosure of an NRS 116.3116(2) superpriority lien may not extinguish a 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 decisions thus were based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

VACATE the portion of the order denying preliminary injunctive relief, REVERSE the portion of 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 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. Mark R. Denton, District Judge
Law Offices of Noggle Law PLLC
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk

¹The injunction imposed by our July 22, 2014, order is vacated.