

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA NEW BUILDS, LLC,  
Appellant,  
vs.  
OCWEN LOAN SERVICING, LLC,  
Respondent.

No. 64810

**FILED**

NOV 20 2014

TRACIE K. LINDEMAN  
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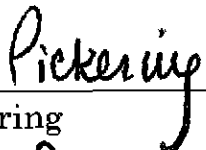
*ORDER VACATING, REVERSING, AND REMANDING*


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

The district court denied appellant's motion for a preliminary injunction and granted respondent's motion to dismiss, concluding that NRS 116.3116(2)'s superpriority provision "requires an action and is not applicable when the homeowner's association forecloses under [the] non-judicial foreclosure statutes pursuant to NRS 116.3116 *et. seq.*" 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.<sup>1</sup>

  
\_\_\_\_\_, 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. Susan Johnson, District Judge  
Law Offices of Noggle Law PLLC  
Wright, Finlay & Zak, LLP/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>The injunction imposed by our April 7, 2014, order is vacated.