

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYPRESS MANOR DRIVE TRUST,  
Appellant,  
vs.  
BANK OF AMERICA, N.A.,  
Respondent.

No. 64840

**FILED**

DEC 12 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 summary judgment, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

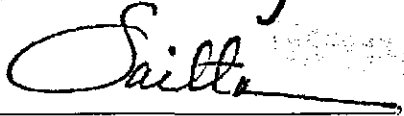
The district court granted Bank of America's motion for summary judgment, finding that Bank of America was entitled to a judgment as a matter of law because NRS 116.3116(2)'s superpriority provision "is not a standalone lien that a homeowner's association can foreclose upon constituting a senior position to all prior first security interests. Rather, the 'super priority' lien establishes a payment priority relative to a senior security interest such as BANA's 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

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

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Mark R. Denton, District Judge  
Kerry P. Faughnan  
Akerman LLP/Las Vegas  
Eighth District Court Clerk