

IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY LLC SERIES 6915  
SILVER STATE,  
Appellant,  
vs.  
WELLS FARGO BANK, N.A.,  
Respondent.

No. 64971

**FILED**

NOV 25 2014

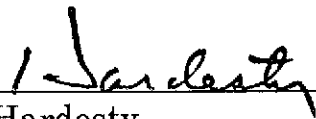
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malou  
DEPUTY CLERK

*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; Kathleen E. Delaney, Judge.

The district court granted Wells Fargo's motion to dismiss, finding that Saticoy Bay had failed to state a viable claim for relief because "the super-priority lien created under N.R.S. 116.3116(2) is a payment priority and not a lien priority." 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

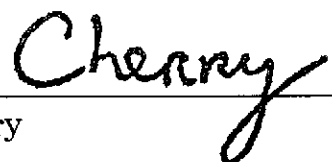
REVERSE the order granting the motion to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.<sup>1</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

CHERRY, 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.  
Cherry

cc: Hon. Kathleen E. Delaney, District Judge  
Law Offices of Michael F. Bohn, Ltd.  
Wright, Finlay & Zak, LLP/Las Vegas  
Tiffany & Bosco, P.A.  
Eighth District Court Clerk

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<sup>1</sup>The injunction imposed by our February 12, 2014, order is vacated.