

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRIS D. PARK, ON BEHALF OF AND
AS POWER OF ATTORNEY FOR
JOSHUA RAY,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC, A
NEVADA FOREIGN LIMITED
LIABILITY COMPANY,
Respondent.

No. 65100

FILED

DEC 22 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, certified as final under NRCP 54(b), granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

The district court granted respondent's motion to dismiss, finding that appellant had failed to state a viable claim for relief because "[a] non-judicial foreclosure sale under NRS Chapter 116 does not eliminate a previously recorded senior 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 the motion to dismiss AND
REMAND for 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 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. Douglas Smith, District Judge
Kang & Associates PLLC
Akerman LLP/Las Vegas
Eighth District Court Clerk