

IN THE SUPREME COURT OF THE STATE OF NEVADA

K & P HOMES, LLC, A SERIES
LIMITED LIABILITY COMPANY OF
DEK HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY,
Appellant,
vs.
CITIMORTGAGE, INC., A NEW YORK
CORPORATION,
Respondent.

No. 65107

FILED

NOV 24 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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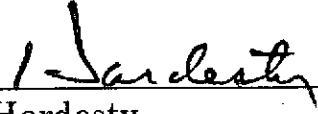
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court judgment on the pleadings, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

The district court granted respondent's motion for judgment on the pleadings, finding that appellant had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision "merely sets forth an order of payment that allows the HOA to recover 9 months of assessments from the proceeds of the senior beneficiary's non-judicial foreclosure." 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

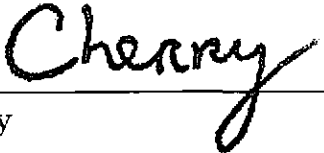
REVERSE the order granting judgment on the pleadings AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, 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. Timothy C. Williams, District Judge
Wright Law Group
Akerman LLP/Las Vegas
Eighth District Court Clerk