

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,
Respondent.

No. 65194

FILED

DEC 22 2014

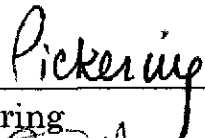
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BY *R. Malone*
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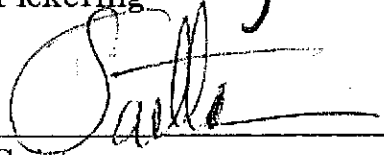
ORDER VACATING AND REMANDING

This is an appeal from a district court order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

The district court denied SFR Investments' preliminary injunction motion, finding that SFR Investments failed to demonstrate a reasonable likelihood of success on the merits because "NRS 116.3116(2) merely provides priority for the homeowner's association lien over the first secured interest on a limited basis; that is, to the extent of charges incurred [f]or nine months of assessments." 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

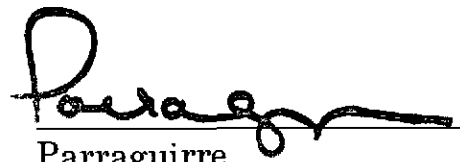
VACATE the order denying preliminary injunctive relief AND REMAND this matter to the district court for further proceedings consistent with this order.¹


_____, 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. Abbi Silver, District Judge
Howard Kim & Associates
Akerman LLP/Las Vegas
Eighth District Court Clerk

¹The injunction imposed by our March 31, 2014, order is vacated.