

IN THE SUPREME COURT OF THE STATE OF NEVADA

RLP-VERVAIN COURT, LLC,
Appellant,
vs.
WELLS FARGO,
Respondent.

No. 65255

FILED

DEC 05 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

BY S. Young
DEPUTY CLERK

ORDER DECLINING CERTIFIED QUESTIONS

This matter involves legal questions certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following questions to this court:

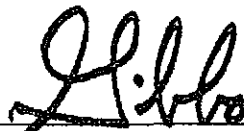
Whether the prioritization of liens pursuant to Nev. Rev. Stat. § 116.3116 may have the effect of extinguishing the interest of a holder of a first security interest under a deed of trust secured by the unit when an association forecloses its delinquent assessments lien by sale pursuant to Nev. Rev. Stat. § 116.31162.

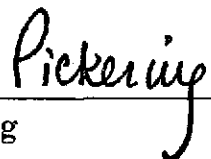
If an association foreclosure of a delinquent assessment lien may extinguish the interest of a first security interest under a deed of trust secured by the unit, whether an association may validly subordinate its assessment lien entirely to the interest of a first security interest by including a mortgagee protection or subordination clause in its declaration of Covenants, Codes and Restrictions.

As we believe there is controlling Nevada precedent with respect to these questions, we decline to answer these questions. See NRAP 5(a). Specifically, in *SFR Investments Pool 1, LLC v. U.S. Bank*,

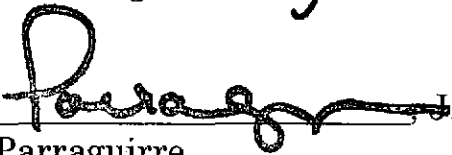
N.A., 130 Nev. ___, 334 P.3d 408 (2014), this court held that a common-interest community association's NRS 116.3116(2) superpriority lien has true priority over a first security interest and that the association may nonjudicially foreclose on that lien. We also explained that an association may not waive its right to a priority position for the association's superpriority lien. *Id.* at ___, 334 P.3d at 419.

It is so ORDERED.

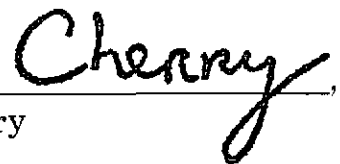

Gibbons, J.



Pickering, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

cc: Cooper Coons Ltd.
Akerman LLP/Las Vegas
Clerk, United States District Court for the District of Nevada