

IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY LLC SERIES 1050
CACTUS,
Appellant,
vs.
BANK OF AMERICA, N.A.; AND
RECONTRUST COMPANY, N.A., A
SUBSIDIARY OF BANK OF AMERICA,
Respondents.

No. 65352

FILED

DEC 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER VACATING AND REMANDING

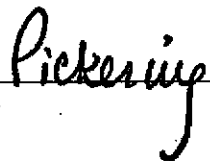
This is an appeal from a district court order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

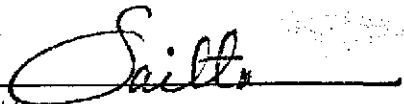
The district court denied appellant's preliminary injunction motion, finding that appellant failed to demonstrate a reasonable likelihood of success on the merits because "Plaintiff has not provided the Court with evidence that...it is a bona fide purchaser, and in the absence of such a determination, it has not shown that Defendants were given due process and appropriate notice prior to any claim that their security interest was being eliminated." 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. Thus, the district court's decision, insofar as it was based on the conclusion that appellant had record notice of a first-priority security interest and did not recognize the complaint's factual allegations as true,

was based on an erroneous interpretation of the controlling law. 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


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Saitta

cc: Hon. Joanna Kishner, District Judge
Law Offices of Michael F. Bohn, Ltd.
Akerman LLP/Las Vegas
Eighth District Court Clerk

¹The injunction imposed by our June 20, 2014, order is vacated.