

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DRYSDALE CIRCLE TRUST,
Appellant,
vs.
THE VILLAGE OF SILVER SPRINGS
COMMUNITY ASSOCIATION, A
DOMESTIC NON-PROFIT
CORPORATION; RAQUEL TERAN, AN
INDIVIDUAL; GABRIEL ROBLES, AN
INDIVIDUAL; AND ADELINA
GAXIOLA, AN INDIVIDUAL,
Respondents.

No. 65356

FILED

AUG 31 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

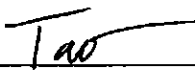
This is an appeal from a district court order dismissing a quiet title action. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.


The district court denied appellant's motion for summary judgment on its quiet title and declaratory relief claims against respondents and instead determined that the action must be dismissed as to these parties. In making this determination, the district court relied on a prior, April 19, 2013, order entered in the underlying case that dismissed appellant's quiet title and declaratory relief claims as to Bank of America National Association, which held the first mortgage/deed of trust on the property at issue here. In particular, the district court concluded that the April 19 order was "the law of the case and prevents [appellant] from prevailing on its claims" against respondents. Among other things, the April 19 dismissal order had determined that NRS 116.3116(2)'s superpriority provisions "generally afford[] first mortgage lien holders priority over assessment liens" and "require[] an HOA to institute a judicial action in order to trigger and enforce any super priority lien."

After the briefing of this matter was completed, the Nevada Supreme Court reversed the district court's April 19 order dismissing appellant's claims against Bank of America¹ based on *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), which held 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." *Drysdale Circle Trust v. Bank of Am., Nat'l Ass'n*, Docket No. 63542 (Order of Reversal and Remand, November 3, 2014). Because the April 19 order on which the district court relied to make the decision at issue here has been reversed by the Nevada Supreme Court, we necessarily reverse the district court's order denying appellant's motion for summary judgment and instead dismissing its claims against respondents and remand this matter for further proceedings consistent with this order, the Nevada Supreme Court's November 3, 2014, order of reversal and remand in Docket No. 63542, and *SFR Investments Pool*, 130 Nev. ___, 334 P.3d 408.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹The district court's April 19 dismissal order had been certified as final pursuant to NRCP 54(b) and was separately appealed by appellant in Docket No. 63542.

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 15
Kerry P. Faughnan
Greene Infuso, LLP
The Village of Silver Springs Community Association
Raquel Teran
Gabriel Robles
Adelina Gaxiola
Eighth District Court Clerk