

IN THE SUPREME COURT OF THE STATE OF NEVADA

TANGIERS DRIVE TRUST,
Appellant,
vs.
BANK OF AMERICA, N.A., NATIONAL
ASSOCIATION,
Respondent.

No. 65553

FILED

FEB 02 2015

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

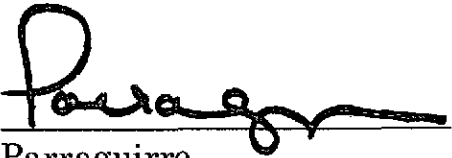
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court summary judgment, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

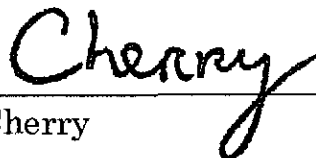
The district court granted respondent's motion for summary judgment, finding that respondent was entitled to a judgment as a matter of law because NRS 116.3116(2) "merely sets forth an order of payment and allows the HOA to recover 9 months of assessments from the proceeds of the beneficiary's non-judicial 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.¹ Accordingly, we

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


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Jerry A. Wiese, District Judge
Kerry P. Faughnan
Akerman LLP/Las Vegas
Eighth District Court Clerk

¹Consequently, we decline to order the district court to enter summary judgment in appellant's favor.