

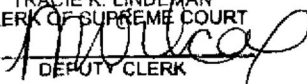
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

5983 ATTA VILLA DR TRUST,
Appellant,
vs.
BANK OF AMERICA, N.A.,
Respondent.

No. 65757

FILED

APR 15 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
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; Nancy L. Alf, Judge.

The district court dismissed appellant's action, finding that dismissal was appropriate 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." Recently, however, in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), the Nevada Supreme 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. In light of *SFR Investments*, respondent concedes that the district court's decision was based on an erroneous interpretation of the controlling law and that the court did not

reach the other issues colorably asserted below. Under these circumstances, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Nancy L. Alf, District Judge
Kerry P. Faughnan
Greene Infuso, LLP
Akerman LLP/Las Vegas
Eighth District Court Clerk