

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PINNACLE HILL COURT TRUST,  
Appellant,  
vs.  
COUNTRYWIDE HOME LOANS, INC.,  
Respondent.

No. 66240

**FILED**

SEP 16 2015

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

*ORDER VACATING JUDGMENT AND REMANDING*

This is an appeal from a district court summary judgment in a quiet title action. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

This matter arises from appellant Pinnacle Hill Court Trust's purchase of real property at an HOA foreclosure auction. Here, Pinnacle Hill challenges the grant of summary judgment to respondent Countrywide Home Loans on Pinnacle Hill's quiet title claims and the denial of its countermotion for summary judgment against Countrywide on these claims.

Pinnacle Hill maintains that the grant of summary judgment to Countrywide on Pinnacle Hill's quiet title claims was based on an erroneous interpretation of the controlling law in light of the Nevada Supreme Court's recent opinion in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. \_\_\_, 334 P.3d 408 (2014), and thus, that this determination must be reversed. With regard to the denial of its countermotion for summary judgment, Pinnacle Hill argues Countrywide presented only legal arguments in opposing this motion and failed to demonstrate the existence of genuine issues of material fact to preclude

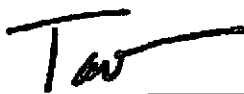
summary judgment. As a result, Pinnacle Hill asserts that this court should reverse the denial of its countermotion for summary judgment and direct entry of summary judgment in its favor.

Countrywide concedes that the district court's decision was erroneous in light of *SFR Investments Pool* and states that it has no objection to this court vacating the grant of summary judgment in its favor and the denial of Pinnacle Hill's countermotion for summary judgment. But it requests that we make no determination on the merits of Pinnacle Hill's summary judgment motion and simply return this matter to the district court for further proceedings in light of *SFR Investments Pool*.

Based on the parties' arguments, we conclude that the challenged order granting summary judgment in favor of Countrywide and denying Pinnacle Hill's countermotion for summary judgment must be vacated in light of *SFR Investments Pool*. Because the *SFR Investments Pool* decision was issued after the challenged order was entered, however, we do not address the merits of Pinnacle Hill's countermotion for summary judgment. Instead, we conclude that this matter should be remanded to the district court for further proceedings consistent with the Nevada Supreme Court's decision in *SFR Investments Pool*.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

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