


IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRIS D. PARK, ON BEHALF OF AND  
AS POWER OF ATTORNEY FOR  
JOSHUA RAY, AN INDIVIDUAL,  
Appellants,  
vs.  
WELLS FARGO BANK, A NATIONAL  
ASSOCIATION; AND NATIONAL  
DEFAULT SERVICING  
CORPORATION, A NEVADA FOREIGN  
CORPORATION.  
Respondents.

No. 65735

**FILED**

JAN 22 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

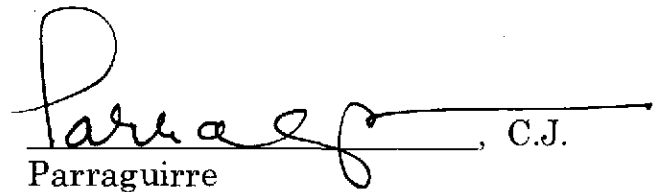
This is an appeal from a district court order granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

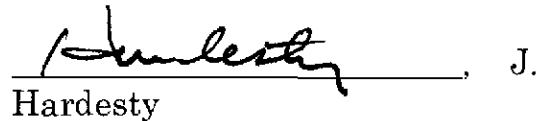
This court reviews an order granting a motion to dismiss de novo. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). We rigorously review a decision to dismiss a complaint under NRCP 12(b)(5) on appeal, with all alleged facts in the complaint presumed true and all inferences drawn in favor of the complainant. *Id.* Dismissing a complaint is appropriate “only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief.” *Id.* at 228, 181 P.3d at 672. We review all legal conclusions de novo. *Id.*

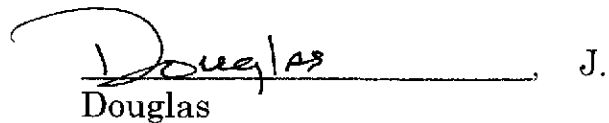
Having considered appellant’s arguments and the record on appeal, we conclude that the district court erred in granting the motion to

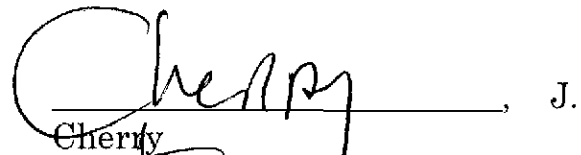
dismiss. Under *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev., Adv. Op. 75, 334 P.3d 408 (2014), appellant's claim that the HOA lien had priority and that the subsequent foreclosure sale extinguished respondent's interest was sufficient to survive a motion to dismiss for failure to state a claim. Accordingly, we

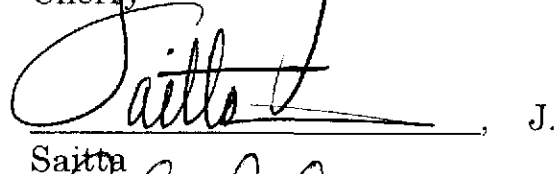
ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

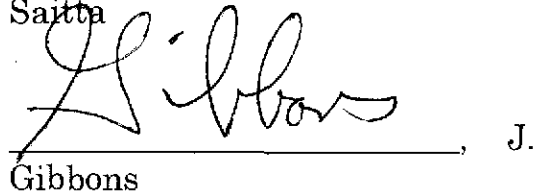
  
Parraguirre, C.J.

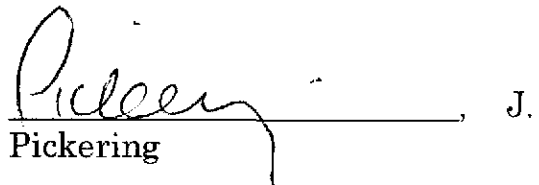
  
Hardesty, J.

  
Douglas, J.

  
Cherry, J.

  
Saitta, J.

  
Gibbons, J.

  
Pickering, J.

cc: Hon. David B. Barker, District Judge  
Ara H. Shirinian, Settlement Judge  
Howard Kim & Associates  
Kang & Associates PLLC  
Snell & Wilmer, LLP/Tucson  
Snell & Wilmer, LLP/Las Vegas  
Eighth District Court Clerk