

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDY WHITEHOUSE, AN
INDIVIDUAL; JOHN WHITEHOUSE,
AN INDIVIDUAL; AND S&J
INVESTMENTS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellants,

vs.

WELLS FARGO BANK, N.A., A
NATIONAL ASSOCIATION; AND
QUALITY LOAN SERVICE
CORPORATION, A FOREIGN
CORPORATION,

Respondents.

No. 65169

FILED

FEB 17 2016

KACIE KLINDENMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

SANDY WHITEHOUSE, AN
INDIVIDUAL; JOHN WHITEHOUSE,
AN INDIVIDUAL; AND S&J
INVESTMENTS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellants,

vs.

WELLS FARGO BANK, N.A., A
NATIONAL ASSOCIATION; FEDERAL
NATIONAL MORTGAGE
ASSOCIATION, A NATIONAL
ASSOCIATION; AND QUALITY LOAN
SERVICE CORPORATION, A FOREIGN
CORPORATION,

Respondents.

No. 65433

*ORDER OF REVERSAL AND REMAND (DOCKET NO. 65169)
AND ORDER OF AFFIRMANCE (DOCKET NO. 65433)*

These are consolidated appeals from district court orders granting motions to dismiss in separate but related quiet title actions. Eighth Judicial District Court, Clark County; Susan Johnson and Jerry A. Wiese, Judges.

16-05021

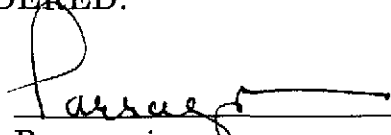
Docket No. 65169

Having considered the parties' arguments and the record, we conclude that the district court erred in granting respondents' motion to dismiss. In *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev., Adv. Op. 75, 334 P.3d 408 (2014), this court decided 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. Thus, the allegations in appellants' complaint were sufficient to survive respondents' motion to dismiss for failure to state a claim. See *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008) (recognizing that NRCP 12(b)(5) dismissal 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"). Because the district court did not reach the other issues that were colorably asserted, we reverse the appealed judgment in Docket No. 65169 and remand this matter for further proceedings.

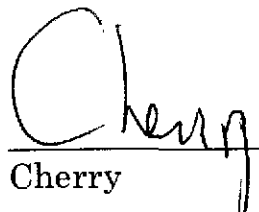
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Having considered the parties' arguments and the record, we conclude that the district court properly dismissed appellants' complaint on the basis of issue preclusion. See *Ruby v. Five Star Capital Corp.*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008). Accordingly, we affirm the appealed judgment in Docket No. 65433.

It is so ORDERED.


_____, C.J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Susan Johnson, District Judge
Hon. Jerry A. Wiese, District Judge
Robert F. Saint-Aubin, Settlement Judge
Maier Gutierrez Ayon, PLLC
Snell & Wilmer, LLP/Las Vegas
McCarthy & Holthus, LLP/Las Vegas
Eighth District Court Clerk