

IN THE SUPREME COURT OF THE STATE OF NEVADA

U.S. BANK, AS TRUSTEE FOR GSAA
HOME EQUITY TRUST 2006-9, ASSET-
BACKED CERTIFICATES, SERIES
2006-9,
Appellant,
vs.
DIAMOND CREEK HOMEOWNERS
ASSOCIATION; NV EAGLES, LLC;
AND UNDERWOOD PARTNERS, LLC,
Respondents.

No. 72308

FILED

SEP 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DECLINING CERTIFIED QUESTION


This matter involves a legal question certified to this court under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court certified the following question to this court:

Does the rule of *SFR Investments Pool I, LLC v. U.S. Bank, N.A.*, 334 P.3d 408 (Nev. 2014) that foreclosures under NRS 116.3116 extinguish first security interests apply retroactively to foreclosures which occurred prior to the date of that decision?


We recently answered the same certified question in another case. Specifically, in *K&P Homes v. Christiana Trust*, 133 Nev., Adv. Op. 51 (July 27, 2017), we held that our decision in *SFR Investments* applies to foreclosures that occurred before that case was decided as that decision merely interpreted an existing statute and did not create new law or


overrule precedent. We therefore decline to answer the question in this matter and direct the district court to *K&P Homes*. See NRAP 5(a).

It is so ORDERED.

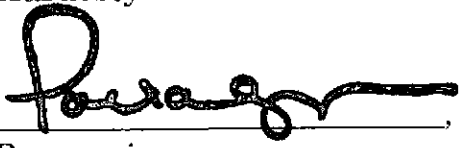

_____, C.J.
Cherry

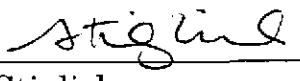

_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Ayon Law, PLLC
Akerman LLP/Las Vegas
The Wright Law Group
Lipson Neilson Cole Seltzer & Garin, P.C.
Clerk, United States District Court for the District of Nevada