

IN THE SUPREME COURT OF THE STATE OF NEVADA

VILLA VECCHIO CT TRUST,
Appellant,
vs.
DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR THE
HOLDERS OF NEW CENTURY HOME
EQUITY LOAN TRUST, SERIES 2005-
A, ASSET BACKED PASS THROUGH
CERTIFICATES; AND RECONTRUST
COMPANY,
Respondents.

No. 63185

FILED

NOV 26 2014

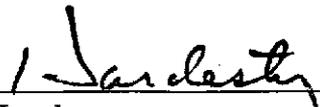
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malme
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order, certified as final under NRCP 54(b), granting a motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

The district court granted respondents' motion to dismiss, finding that appellant had failed to state a viable claim for relief because NRS 116.3116(2)'s superpriority provision merely "establishes a payment priority relative to a first security interest." This court's recent disposition in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), decides that a common-interest community association's NRS 116.3116(2) superpriority lien has true priority over a first security interest, and the association may nonjudicially foreclose on that lien. The district court's decision thus was based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

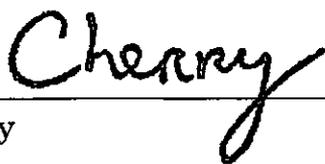
REVERSE the order granting the motion to dismiss AND REMAND this matter to the district court for further proceedings consistent with this order.


_____, J.
Hardesty


_____, J.
Douglas

CHERRY, J., concurring:

For the reasons stated in the *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), dissent, I disagree that respondent Deutsche Bank lost its lien priority by virtue of the homeowners association's nonjudicial foreclosure sale. I recognize, however, that *SFR Investments* is now the controlling law and, thusly, concur in the disposition of this appeal.


_____, J.
Cherry

cc: Hon. Michael Villani, District Judge
Law Offices of Michael F. Bohn, Ltd.
Akerman LLP/Las Vegas
Kravitz, Schnitzer & Johnson, Chtd.
Eighth District Court Clerk