

IN THE SUPREME COURT OF THE STATE OF NEVADA

SFR INVESTMENTS POOL 1, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,  
Appellant,  
vs.  
FIRST HORIZON HOME LOANS, A  
DIVISION OF FIRST TENNESSEE  
BANK, N.A., A NATIONAL  
ASSOCIATION,  
Respondent.

No. 63905

**FILED**

NOV 25 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *P. Malone*  
DEPUTY CLERK

*ORDER VACATING AND REMANDING*

This is an appeal from a district court order denying a preliminary injunction in a quiet title action. Eighth Judicial District Court, Clark County; Allan R. Earl, Judge.

The district court denied SFR Investments' preliminary injunction motion, finding that SFR Investments failed to demonstrate a reasonable likelihood of success on the merits because "NRS 116.3116(2) unambiguously provides that the foreclosure of a homeowners association lien for delinquent assessments . . . does not extinguish a first mortgage 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

VACATE the order denying preliminary injunctive relief AND REMAND this matter to the district court for further proceedings consistent with this order.

Hardesty, J.  
Hardesty

Douglas, 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 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.

Cherry, J.  
Cherry

cc: Hon. Allan R. Earl, District Judge  
Howard Kim & Associates  
Ballard Spahr, LLP  
Eighth District Court Clerk