

IN THE SUPREME COURT OF THE STATE OF NEVADA

JONG BEOM PARK, AN INDIVIDUAL,
Appellant,

vs.

BANK OF AMERICA, N.A., A NEVADA
ASSOCIATION; RECONTRUST
COMPANY, N.A., A NEVADA
ASSOCIATION; GABRIELA SINGH, AN
INDIVIDUAL; AND KISHAN SINGH,
AN INDIVIDUAL,
Respondents.

No. 64315

FILED

NOV 25 2014

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

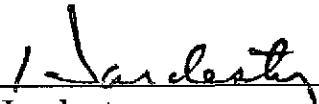
ORDER VACATING, REVERSING, AND REMANDING

This is an appeal from a district court judgment on the pleadings, certified as final under NRCP 54(b), in a quiet title action. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

The district court granted Bank of America and Recontrust Company's motion for a judgment on the pleadings and denied appellant's request for a preliminary injunction, finding that appellant had failed to state a viable claim for relief because "[a] non-judicial foreclosure sale under NRS Chapter 116 does not eliminate a previously recorded senior deed of trust." 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 decisions thus were based on an erroneous interpretation of the controlling law and did not reach the other issues colorably asserted. Accordingly, we

VACATE the portion of the order denying preliminary injunctive relief, REVERSE the portion of the order granting judgment on

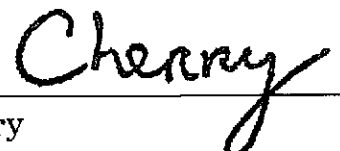
the pleadings, AND REMAND this matter to the district court for further proceedings consistent with this order.

, 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 Bank of America 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. Ronald J. Israel, District Judge
Kang & Associates PLLC
Akerman LLP/Las Vegas
Eighth District Court Clerk