

IN THE SUPREME COURT OF THE STATE OF NEVADA

KAL-MOR-USA, LLC,
Appellant,
vs.
BOA AND FIDELITY,
Respondent.

No. 65250

FILED

DEC 05 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
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 has certified the following question to this court:

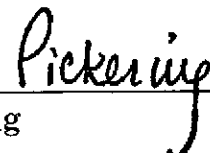
Whether the prioritization of liens pursuant to Nev. Rev. Stat. § 116.3116 may have the effect of extinguishing the interest of a holder of a first security interest under a deed of trust secured by the unit when an association forecloses its delinquent assessments lien by sale pursuant to Nev. Rev. Stat. § 116.31162.


As we believe there is controlling Nevada precedent with respect to this question, we decline to answer this question. See NRAP 5(a). Specifically, in *SFR Investments Pool 1, LLC v. U.S. Bank, N.A.*, 130 Nev. ___, 334 P.3d 408 (2014), this court held 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.

It is so ORDERED.

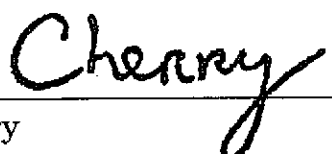

Gibbons, C.J.

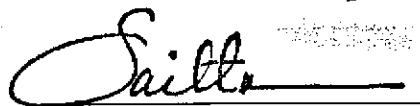

Pickering, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

cc: Maier Gutierrez Ayon, PLLC
Lewis Roca Rothgerber LLP/Las Vegas
Clerk, United States District Court for the District of Nevada