

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 BANK OF AMERICA, N.A., )  
4 )  
5 Plaintiff, )  
6 vs. )  
7 SBH 4 HOMEOWNERS' ASSOCIATION, et )  
8 al., )  
9 Defendants. )

Case No.: 2:16-cv-00487-GMN-PAL

ORDER

10 On April 4, 2018, the Court granted summary judgment to Plaintiff Bank of America,  
11 N.A., ("Plaintiff") because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832  
12 F.3d 1154 (9th Cir. 2016), the SBH 4 Homeowners' Association ("HOA") "foreclosed under a  
13 facially unconstitutional notice scheme" and therefore the "foreclosure sale cannot have  
14 extinguished" Plaintiff's deed of trust on the property. (Order 5:21-23, ECF No. 50). The  
15 Ninth Circuit has since held, however, that Nevada's homeowner's association foreclosure  
16 scheme is not facially unconstitutional because the decision in *Bourne Valley* was based on a  
17 construction of Nevada law that the Nevada Supreme Court has since made clear was incorrect.  
18 *See Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass'n*, 920 F.3d 620, 624 (9th Cir.  
19 2019) (recognizing that *Bourne Valley* "no longer controls the analysis" in light of *SFR*  
20 *Investments Pool 1, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)). Moreover,  
21 for orders from this district that relied on *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*,  
22 832 F.3d 1154 (9th Cir. 2016), and were thereafter appealed, the Ninth Circuit recently began  
23 reversing and remanding such orders in light of *Bank of Am., N.A. v. Arlington W. Twilight*  
24 *Homeowners Ass'n*, 920 F.3d 620, 624 (9th Cir. 2019). *See, e.g., U.S. Bank, N.A. v. SFR*  
25 *Investments Pool 1, LLC*, No. 18-16006, 2019 WL 6817304, at \*1 (9th Cir. Dec. 13, 2019).

1 Accordingly, to preserve judicial resources,

2 **IT IS HEREBY ORDERED** that the Court's prior Order, (ECF No. 50), is  
3 **VACATED.**

4 **IT IS FURTHER ORDERED** that the parties shall have thirty days from the date of  
5 this Order to file renewed dispositive motions.

6 The Clerk of Court shall reopen the case and deliver a copy of this Order to the United  
7 States Court of Appeals for the Ninth Circuit, Appeal Number 18-16154.

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9 **DATED** this 18 day of December, 2019.

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13 Gloria M. Navarro, District Judge  
14 United States District Court  
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