

IN THE SUPREME COURT OF THE STATE OF NEVADA

VACATION VILLAGE, INC., A
NEVADA CORPORATION AND CEH
PROPERTIES, LTD., A NEVADA
LIMITED PARTNERSHIP,
Appellants,

vs.

COUNTY OF CLARK, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; THE DEPARTMENT OF
TRANSPORTATION; CENTRA
INVESTMENTS, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
TURNBERRY/CENTRA SUB, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,
Respondents.

No. 46116

FILED

JUL 19 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Gray*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting a motion to dismiss plaintiff's third amended complaint. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

The parties are familiar with the facts of this case; therefore, we do not recount them in this order except as is necessary for our disposition.

Appellant Vacation Village, Inc, and CEH Properties, Ltd. argue that they are "heirs or grantees" of the property and should be given the property or its fair market value. We disagree.

Standard of review

This court reviews decisions on an order granting a motion to dismiss for failure to state a claim by a rigorous standard.¹ This court must regard all factual allegations in the complaint as true and draw all inferences in favor of the non-moving party.²

The district court properly interpreted and applied NRS 408.533

We have held that “[w]hen the language of a statute is plain and unambiguous, a court should give that language its ordinary meaning and not go beyond it.”³ We conclude that NRS 408.533 is not ambiguous because two or more reasonable interpretations are not possible.⁴ NRS 408.533(3) states that:

It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property. . .

Here, Vacation Village and CEH Properties contend that under NRS 408.533(1)(d) they are “heirs or grantees” of the former property owner and should be given the property or its fair market value. The record shows that they failed to provide any evidence to support their contentions. We further note that NRS 408.533(1)(e) provides that a public entity may purchase the property and that such a purchase would

¹Rocker v. KPMG LLP, 122 Nev. __, __, 148 P.3d 703, 707 (2006).

²Id.


³United States v. State Engineer, 117 Nev. 585, 589, 27 P.3d 51, 53 (2001) (quoting City Council of Reno v. Reno Newspapers, 105 Nev. 886, 891, 784 P.2d 974, 977 (1989)).

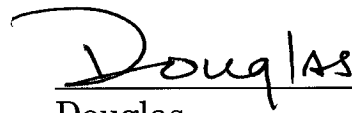
⁴Id., at 590, 27 P.3d at 54.

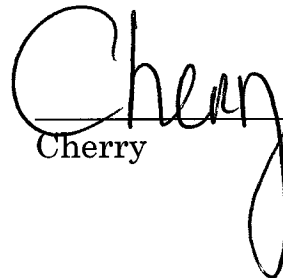
have priority over any reversionary rights. We also conclude that there are no reversionary interests contained in either deed.

We have also considered appellants' other arguments and find that they lack merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Jackie Glass, District Judge
Lester H. Berkson, Settlement Judge
John Peter Lee Ltd.
Attorney General Catherine Cortez Masto/Las Vegas
Clark County District Attorney David J. Roger/Civil Division
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk