

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID B. FEIN AND SARA C.K. FEIN,
HUSBAND AND WIFE, A/K/A FEIN
FAMILY TRUST AND TRUSTEES OF
THE FEIN FAMILY TRUST (FEIN),

Appellants,

vs.

THE BANK OF NEW YORK MELLON
CORPORATION, F/K/A THE BANK OF
NEW YORK MELLON, N.A., F/K/A THE
BANK OF NEW YORK AS TRUSTEE
FOR HARBOR VIEW MORTGAGE
LOAN TRUST,

Respondent.

No. 64691

FILED

JUL 31 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK


ORDER OF AFFIRMANCE

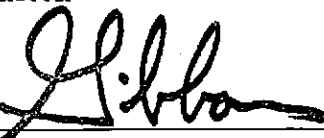
This is an appeal from a district court judgment on the pleadings in a quiet title action. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.


The district court granted respondent's motion for a judgment on the pleadings, concluding that appellants "have not cited material facts sufficient to succeed in an action for quiet title." Having considered the parties' arguments and the record, we agree with the district court's conclusion. Specifically, appellants' first amended complaint does not contain any factual allegations that, if proved true, would entitle them to an order quieting title in their favor, free and clear of the deed of trust that appellants executed. *See Bernard v. Rockhill Dev. Co.*, 103 Nev. 132, 135, 734 P.2d 1238, 1241 (1987) (recognizing that

judgment on the pleadings is proper when there are no "allegations in the plaintiff's pleading that, if proved, would permit recovery"). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Elliott A. Sattler, District Judge
Madelyn Shipman, Settlement Judge
Kevin R. Karp
Akerman LLP/Las Vegas
Washoe District Court Clerk