

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2043**

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JOSEPH SCHAFFER; MAUREEN SCHAFFER,

Plaintiffs - Appellants,

v.

CITIBANK, N.A., as trustee for Bear Stearns ALT-A Trust 2006-5; BEAR STEARNS ALT-A TRUST 2006-5, A New York common law trust; JP Morgan Chase Bank, N.A., f/k/a EMC Mortgage Corporation, as successor in interest to EMC Mortgage, LLC; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INCORPORATED, a Delaware Corporation; COMMONWEALTH TRUSTEES, LLC,

Defendants - Appellees,

and

FIRST GUARANTY MORTGAGE CORPORATION, a Virginia Corporation;  
DAVID A. NEAL, a Virginia Resident, Original Trustee,

Defendants.

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VIRGINIA POVERTY LAW CENTER; NATIONAL CONSUMER LAW CENTER;  
NATIONAL ASSOCIATION OF CONSUMER ADVOCATES; HOUSING  
OPPORTUNITIES MADE EQUAL; VIRGINIA INTERFAITH CENTER FOR  
PUBLIC POLICY,

Amici Supporting Appellants.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Gerald Bruce Lee, District  
Judge. (1:10-cv-00010-GBL-TCB)

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Submitted: September 19, 2011

Decided: September 28, 2011

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Before WILKINSON, KEENAN, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Christopher E. Brown, R. Michael Smith, BROWN, BROWN & BROWN, P.C., Alexandria, Virginia, for Appellants. Eric N. Heyer, THOMPSON & HINE LLP, Washington, D.C.; Mark D. Meyer, ROSENBERG & ASSOCIATES, LLC, Bethesda, Maryland, for Appellees. Thomas D. Domonoske, LEGAL AID JUSTICE CENTER, Harrisonburg, Virginia; Brenda Castaneda, LEGAL AID JUSTICE CENTER, Charlottesville, Virginia, for Amici Supporting Appellants.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph and Maureen Schafer appeal the district court's order granting Defendants' Fed. R. Civ. P. 12(b)(6) motions to dismiss Plaintiffs' state law claims for declaratory judgment, breach of fiduciary duty, and quiet title, as well as their claim under the Fair Debt Collection Practices Act, 15 U.S.C.A. §§ 1692-1692p (West 2009 & Supp. 2011). Potential amici curiae have filed a motion to file an amici curiae brief, along with an amici curiae brief, and a motion to certify a question to the Supreme Court of Virginia. We have reviewed the record and find no reversible error. Accordingly, although we grant the motion to file the amici curiae brief, we deny the motion to certify a question to the Supreme Court of Virginia and affirm the district court's order. See Schafer v. Citibank, N.A., No. 1:10-cv-00010-GBL-TCB (E.D. Va. Aug. 3, 2010); see also Horvath v. Bank of N.Y., N.A., 641 F.3d 617 (4th Cir. 2011). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED