

IN THE UTAH COURT OF APPEALS

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Deron Brunson,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellant,)	
)	Case No. 20090833-CA
v.)	
)	F I L E D
Recontrust Company, N.A.;)	(December 17, 2009)
Countrywide Home Loans, Inc.;)	
and Jane and John Does 1-10,)	2009 UT App 381
)	
Defendants and Appellees.)	
)	

Third District, Salt Lake Department, 090909512
The Honorable John Paul Kennedy

Attorneys: Deron Brunson, Draper, Appellant Pro Se
Darren K. Nelson and John P. Snow, Salt Lake City,
for Appellees

Before Judges Greenwood, Davis, and Thorne.

PER CURIAM:

Deron Brunson appeals from the September 21, 2009 order dismissing his amended complaint with prejudice. This matter is before the court on a motion for summary disposition. We affirm.

When reviewing whether the district court properly granted a motion to dismiss for failure to state a claim upon which relief may be granted, this court "accepts the factual allegations in the complaint as true and consider[s] them, and all reasonable inferences to be drawn from them, in the light most favorable to the non-moving party." Coroles v. Sabey, 2003 UT App 339, ¶ 2, 79 P.3d 974. Dismissal under rule 12(b)(6) of the Utah Rules of Civil Procedure is warranted "only in cases in which, even if the factual assertions in the complaint were correct, they provide no legal basis for recovery." Mackey v. Cannon, 2000 UT App 36, ¶ 13, 996 P.2d 1081. The trial court's grant of a motion to dismiss is a question of law reviewed for correctness. See id. ¶ 9.

Brunson's first cause of action asserts that Countrywide Home Loans (Countrywide) breached the mortgage contract by failing to provide Brunson with a copy of a promissory note. Brunson's next cause of action, titled "mistake," seeks to rescind the mortgage contract with Countrywide based on mistake. Brunson's final cause of action, titled "wrongful foreclosure," asserts that Recontrust Company attempted to foreclose a void lien.

Having reviewed the record, even were this court to accept the factual allegations as alleged in Brunson's Amended Verified Complaint as true, such allegations provide no legal basis for recovery on any of his causes of action. Thus, the district court did not err by dismissing Brunson's amended complaint with prejudice.

Affirmed.¹

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge

¹Pursuant to rule 33 of the Utah Rules of Appellate Procedure, Appellees seek their attorney fees incurred on appeal. Appellees' request for attorney fees is denied.