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Summary of *Majuba Mining v. Pumpkin Copper*, 129 Nev. Adv. Op. 19

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MINING LAW – MOOTNESS OF A CLAIM

Summary

The court considered whether a mining company's failure to pay federal claim maintenance fees, required to avoid forfeiting an unpatented mining claim, rendered a dispute over superior title moot. The court found that since the mining claim was forfeited under federal law, the dispute over superior title was no longer actionable and moot.

Disposition/Outcome

In order to adjudicate a case before the Nevada Supreme Court, there must be a live controversy. When maintenance fees are not paid on a mining claim, it can be forfeited, which renders any claim for quiet title moot. Therefore, Majuba's appeal is dismissed.

Factual and Procedural History

Majuba Mining, Ltd. had filed an appeal in an action for quiet title. During the pendency for the appeal, the Bureau of Land Management (BLM) declared Majuba's claims void due to failure to pay the required claim maintenance fees.² Pumpkin Cooper, Inc., the respondent, thus filed a motion to dismiss since the controversy was rendered moot because of Majuba's forfeiture.

Discussion

The Nevada Supreme Court only adjudicates cases which have a live controversy, even if the controversy was live when the appeal was filed and became moot later.³ Further, there must be rights to real property to maintain a quiet title action.⁴ Therefore, the appeal became moot when they decided that Majuba's claims were void by operation of law.

Conclusion

If an underlying claim to land is rendered void, a quiet title action cannot be sustained and any court case or appeal based on it is rendered moot. Majuba's appeal in the supremacy of title case was thus dismissed.

¹ By Timothy A Wiseman

² The claims were required under federal law for unpatented mining claims which declared them conclusively forfeit for failure to pay the fees. 30 U.S.C. § 28 (2006).

³ *University Sys. V. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179 186 (2004).

⁴ *See Daly v. Lahontan Mines Co.*, 39 Nev. 14, 23, 151 P. 514, 516 (1915).