

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS GREEN, AN INDIVIDUAL,
AND ON BEHALF OF CONDOMINIUM
OWNERS SIMILARLY SITUATED,
Appellant,
vs.
VISTAÑA CONDOMINIUM OWNERS
ASSOCIATION, INC., A NEVADA
CORPORATION,
Respondent.

No. 43196

FILED

JUN 16 2005

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

ORDER DISMISSING APPEAL


This is an appeal from a district court order granting respondent's motion to dismiss in a real property case. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge. When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant, on May 4, 2005, to show cause why this appeal should not be dismissed. Specifically, we were concerned that the notice of appeal was not timely filed.

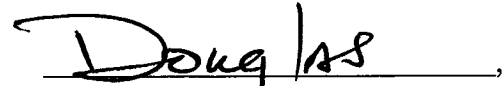
In response to our show cause order, appellant filed a "Notice of Withdrawal of Appeal." We construe the notice as a motion to dismiss this appeal, which we grant.¹

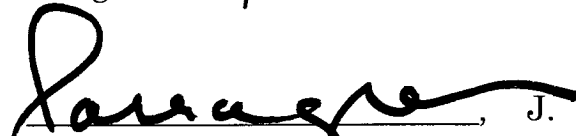
¹NRAP 42(b).

Accordingly, we

ORDER this appeal DISMISSED.²

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Nancy M. Saitta, District Judge
Lansford W. Levitt, Settlement Judge
Marquis & Aurbach
Angius & Terry LLP/Las Vegas
Clark County Clerk

²The parties shall each bear their own appellate costs and attorney fees, if any.