

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
GEORGE GARRETT SHEEHAN.

No. 44855

MELANIE THOMPSON, NATURAL  
MOTHER OF DECEDENT'S TWO  
MINOR CHILDREN, GEORGE C.  
ALEXANDER SHEEHAN AND MEGAN  
ROSE L. SHEEHAN; JOHN P. FOLEY  
AND BENITA THOMPSON, AS CO-  
GUARDIANS OF THE ESTATE OF THE  
DECEDENT'S TWO MINOR  
CHILDREN; AND GEORGE FOLEY,  
SR., AS GUARDIAN AD LITEM FOR  
GEORGE C. ALEXANDER SHEEHAN  
AND MEGAN ROSE L. SHEEHAN,  
Appellants,

vs.

DOUGLAS D. GERRARD, AS TRUSTEE  
UNDER A DEED OF TRUST; AND  
JOANNE P. SHEEHAN,  
Respondents.

**FILED**

OCT 27 2005

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

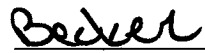
ORDER DISMISSING APPEAL

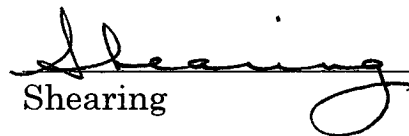
This is an appeal from a district court order denying a motion for a preliminary injunction in a probate matter. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge. Respondents move to dismiss this appeal for lack of jurisdiction, and appellants oppose the motion.

Having considered the parties' arguments, we conclude that we lack jurisdiction over this appeal because it is moot. "[T]he duty of every judicial tribunal is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot

questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it.”<sup>1</sup> Here, our substantive review of the district court’s order denying appellants’ request to enjoin the trustee sale of certain real property would have no legal effect, given the ensuing pay-off and property transfer. That is, one day after the district court’s order, the personal representative for the Estate of George Sheehan paid off the note held by respondent Joanne Sheehan on the property, and respondents reconveyed the deed of trust to the estate. That pay-off and reconveyance rendered moot appellants’ request for a preliminary injunction to stop the sale. Accordingly, we grant respondents’ motion, and dismiss this appeal.<sup>2</sup>

It is so ORDERED.<sup>3</sup>

  
\_\_\_\_\_, C. J.  
Becker

  
\_\_\_\_\_, Sr. J.  
Shearing

  
\_\_\_\_\_, Sr. J.  
Young

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<sup>1</sup>NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981).

<sup>2</sup>We deny respondents’ request for sanctions under NRAP 38.

<sup>3</sup>The Honorable Miriam Shearing, Senior Justice, and the Honorable Cliff Young, Senior Justice, participated in the decision of this matter under general orders of assignment entered on July 14, and July 18, 2005.

cc: Hon. Kathy A. Hardcastle, District Judge  
Lester H. Berkson, Settlement Judge  
George Foley Sr.  
Law Offices of John P. Foley  
Gerrard Cox & Larsen  
Patricia A. Trent & Associates  
Clark County Clerk