

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
MARY N. RANDOLPH.

No. 45105

WILLIAM J. BERRY, SR.,  
Appellant,  
vs.  
WILLIAM BERRY, JR.,  
Respondent.

**FILED**

MAY 19 2005

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a probate commissioner's recommendation to deny appellant's petition to set aside an estate without administration. A minute order reflecting the probate commissioner's recommendation was sent to appellant, and appellant appeals from that minute order.

The right to appeal is statutory; where no statute or court rule authorizes an appeal, no right to an appeal exists.<sup>1</sup> First, no rule or statute authorizes an appeal from a probate commissioner's recommendation.<sup>2</sup> Second, even if a probate commissioner's


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<sup>1</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

<sup>2</sup>See NRAP 3A(b); NRS 155.190.

recommendation were appealable, no appeal may be taken from a minute order.<sup>3</sup> Accordingly, as we lack jurisdiction over this appeal, we dismiss it.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Kathy A. Hardcastle, District Judge  
William James Berry Sr.  
William Berry Jr.  
Clark County Clerk

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<sup>3</sup>See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).