IN THE SUPREME COURT OF THE STATE OF NEVADA

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

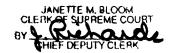
WILLIAM J. BERRY, SR.,
Appellant,
vs.
WILLIAM BERRY, JR.,

Respondent.

No. 45105

FILED

MAY 1 9 2005



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. First, no rule or authorizes from commissioner's statute an appeal a probate Second. even recommendation.² if a probate commissioner's

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

²See NRAP 3A(b); NRS 155.190.

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

It is so ORDERED.

Rose J.

J.

Gibbons

Hardesty J.

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

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