


IN THE SUPREME COURT OF THE STATE OF NEVADA

SUNDEE SHEHYN,
Appellant,
vs.
VICKI LEIGH,
Respondent.

No. 46545

FILED

JUL 19 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting summary judgment in a partition of real and personal property. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Appellant Sundee Shehyn argues that the district court erred by resolving this case through summary judgment. We disagree. The parties are familiar with the facts of this case; therefore, we do not recount them in this order except as is necessary for our disposition.

Standard of review

This court reviews questions of law de novo.¹ It also “reviews a district court’s grant of summary judgment de novo.”² Summary judgment is appropriate where “no ‘genuine issue as to any material fact [remains] and . . . the moving party is entitled to a judgment as a matter

¹Keife v. Logan, 119 Nev. 372, 374, 75 P.3d 357, 359 (2003).

²Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).

of law.”³ The substantive law on which a claim is based determines which facts are material.⁴

The district court properly applied *Langevin v. York*⁵

In *Langevin*, we concluded that at partition, unless the intent of the parties indicates otherwise, the district court must determine the property interests of unmarried joint tenants using a contribution analysis.⁶ We reached that conclusion by equating unmarried joint tenants to tenants in common for purposes of that analysis.⁷ We also concluded that “there is a presumption that where [unmarried joint tenants] unequally share in the purchase price of property, ‘the [unmarried joint tenants] intended to share in proportion to the amount contributed to the purchase price.’”⁸ We further concluded that absent additional proof of intent, merely taking property as joint tenants is insufficient to rebut the presumption that a contribution analysis is proper.⁹ After considering Shehyn’s arguments concerning the invalidity of *Langevin*, we conclude that those arguments lack merit.

³Id. (quoting NRCP 56(c)).

⁴Id. at 730, 121 P.3d at 1030.

⁵111 Nev. 1481, 907 P.2d 981 (1995).

⁶Id. at 1484-85, 907 P.2d at 983-84.

⁷Id. at 1485, 907 P.2d at 983.

⁸Id. at 1485, 907 P.2d at 984 (quoting *Sack v. Tomlin*, 110 Nev. 204, 210, 871 P.2d 298, 303 (1994)).

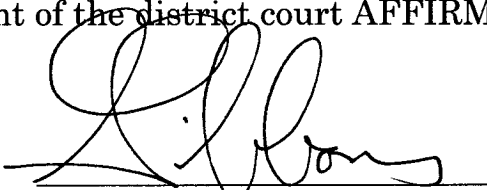
⁹See id. at 1485, 907 P.2d at 983.

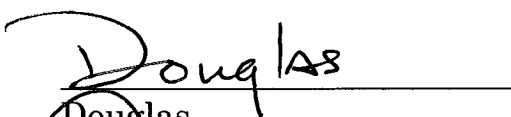
Here, the parties conceded to the district court that there were no issues of material fact in dispute. The record shows that the parties took the subject property as unmarried joint tenants, their respective contributions to the purchase price of the property were unequal, and the parties failed to enter into any written agreements proving their intent to take equal interests in the property. We conclude that the district court properly applied the contribution analysis from Langevin to determine the parties' respective interests in the subject property. Accordingly, the district court did not err by granting summary judgment.

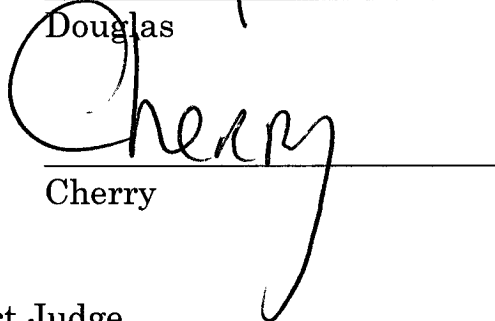
We have also considered the parties' other arguments and find them without merit.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Valorie Vega, District Judge
Susan Holland Johnson, Settlement Judge
Trent, Tyrell & Associates
Mary F. Chapman
Eighth District Court Clerk