

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOANNE BUTTON CRENSHAW,
Appellants,

vs.

BRENT CONRAD, AS INDIVIDUALLY
AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE
AND TRUST OF JESSE M. CRENSHAW
AND GERALD CRENSHAW, AS
INDIVIDUALLY AND AS
BENEFICIARY OF JESSE M.
CRENSHAW ESTATE AND TRUST,
Respondents.

No. 49746

FILED

SEP 12 2008
THACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting respondents' motion to substitute real parties in interest and to dismiss all claims. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Respondent Gerald Crenshaw (respondent) has filed a motion to dismiss this appeal. Respondent Brent Conrad has filed a joinder in the motion, appellant has filed an opposition, and respondent has filed a reply.

In the civil action below, district court case number A462484 (the civil action), the district court entered a post-judgment order awarding respondent \$33,832.50 in attorney fees and \$1,500 in costs. Appellant did not appeal that order. Thereafter, the court issued a writ of execution directing the Sheriff of Clark County to satisfy, out of certain appellant's personal property, the order awarding attorney fees and costs. The writ of execution described appellant's personal property as including her rights in "all claims for relief, causes of action, things in action, and

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choses in action...including specifically, the rights of [appellant], in the [underlying civil action] and any appeals thereof.”

Pursuant to the writ of execution, the Clark County Sheriff seized appellant’s personal property and, after issuing public notice, scheduled a sale of that property. Appellant filed an ex-parte motion for an emergency stay of the sheriff’s sale, which was opposed by respondent. After a hearing on the motion, the district court granted the stay request upon the condition that appellant post a bond by a specified date. After appellant failed to post the bond by the specified date, the Clark County Sheriff conducted a sale of appellant’s personal property.

At the sheriff’s sale, respondent purchased all of appellant’s personal property, including her rights in the underlying civil action. Based on his purchase of appellant’s rights in the underlying civil action, respondent filed a motion in the district court requesting, under NRCPC 25(c), to substitute himself for appellant and then, under NRCPC 41(a)(1), to dismiss all causes of action filed against him in the civil action. The district court granted the motion, substituted respondent for appellant, and ordered all claims in the civil action dismissed. This order is the subject of the instant appeal.

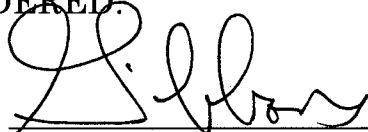
Having considered the motion, joinder, opposition, and reply, we grant respondent’s motion to dismiss this appeal. Specifically, respondent validly purchased appellant’s rights in the underlying civil action, and by extension, this appeal.¹ Because respondent purchased

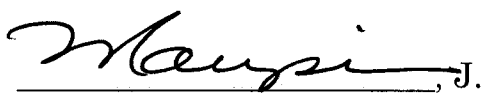
¹See NRS 21.080(1) (listing property liable to execution, including personal property); NRS 10.045 (defining “personal property” to include “things in action”); see also Sportsco Enter. v. Morris, 112 Nev. 625, 630,


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appellant's claims, he now, for all intents and purposes, holds appellant's position in regard to this appeal. Thus, appellant is not an aggrieved party and she therefore lacks standing to appeal the district court's order.² We order this appeal dismissed.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Valorie Vega, District Judge
Cary Colt Payne
Bolick & Boyer
Michael A. Olsen
Eighth District Court Clerk

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917 P.2d 934, 937 (1996) (providing that statutes specifying kinds of property liable to execution “must be liberally construed” for the judgment creditor’s benefit); see generally Denham v. Farmers Ins. Co., 262 Cal. Rptr. 146, 152 (Ct. App. 1989) (applying Nevada law and interpreting NRS 21.080 and NRS 10.045 to allow a judgment creditor to execute on a judgment debtor’s cause of action).

²See Kenney v. Hickey, 60 Nev. 187, 189 105 P.2d 192 (1940) (defining aggrieved party as “one whose personal right is injuriously affected by the adjudication, or where the right of property is adversely affected or divested thereby”); Albert D. Massi, Ltd. v. Bellmyre, 111 Nev. 1520, 908 P.2d 705 (1995) (only an aggrieved party may appeal from an adverse decision); NRAP 3A(a).