

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
LONNIE JOE CHADWICK.

No. 50331

NAOMI RITZ,
Appellant,
vs.
JOEY CHADWICK,
Respondent.

CLYDE S. MUNSELL,
Appellant,
vs.
JOEY CHADWICK,
Respondent.

FILED

DEC 03 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment adopting and affirming a probate commissioner's report and recommendations. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

Appellants claim on appeal that the district court improperly ruled that there is no missing property of the estate. Appellants assert that certain real property is missing from the estate because it was transferred without court approval to a third party.

After appellants filed a joint opening brief, respondent filed a notice with this court stating that he would not be filing an answering brief because he would benefit if appellants were successful on appeal, as he was the other beneficiary to the estate. As a result, we issued an order to appellants to show cause why the appeal should not be dismissed for failure to name a proper respondent. Appellants' response to the show

cause order listed potential respondents to this appeal. Most of the potential respondents, however, were either not parties in the action below or had previously been voluntarily dismissed from this appeal by appellants. As appellants failed to name a party that could properly be named as a respondent and file an answering brief, we address this appeal solely on the opening brief and appellants' appendix.¹

This court has held that appellants are required to provide an adequate appellate record to allow this court to properly address the issues on appeal.² When proper documentation is not provided, "we necessarily presume that the missing portion supports the district court's decision."³

Appellants have failed to provide sufficient documentation on appeal to allow us to properly review the district court's conclusions regarding the property at issue. Specifically, the appendix does not include the briefs filed regarding the objections and responses to the probate commissioner's report and recommendations or documentation

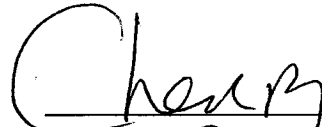
¹Appellants argued in their response to the show cause order that this appeal should be remanded to the district court to allow joinder of potential parties or be held in abeyance until the proper parties could be joined at the appellate stage. In light of the blatant insufficiency of the appellate record submitted by appellants, as discussed in the text, we elect to dispose of this appeal on that basis rather than determine the propriety of appellants' suggested procedural mechanisms.


²Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. ___, ___, 172 P.3d 131, 135 (2007). See also NRAP 30(b)(3) (stating that appellants' appendix must include "portions of the record essential to determination of issues raised in appellant's appeal").


³Cuzze, 123 Nev. at ___, 172 P.3d at 135.

concerning the values of the various parcels of property at issue. As a result, we presume that the record as a whole supports the district court's judgment. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Saitta

cc: Hon. Kathy A. Hardcastle, District Judge
Harold P. Gewerter, Esq., Ltd.
Clyde S. Munsell
Joey Mark Chadwick
Jeffrey L. Burr, Ltd.
Eighth District Court Clerk