

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAROL RICE, INDIVIDUALLY AND AS
TRUSTEE OF CAROL'S TRUST DATED
05/03/01,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE ELIZABETH GOFF
GONZALEZ, DISTRICT JUDGE,

Respondents,

and

DAVID BOLD, INDIVIDUALLY AND AS
TRUSTEE OF DAVE'S TRUST DATED

05/30/01,

Real Party in Interest.

No. 50525

FILED

DEC 07 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY A. U. Uarada
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order directing petitioner to pay rent or to vacate and sell her homesteaded residence.

A writ of prohibition may issue to compel a district court to cease performing acts beyond its legal authority.¹ Prohibition will not issue, however, when the petitioner has a plain, speedy, and adequate remedy at law.² Also, because a writ of prohibition is an extraordinary remedy, whether a petition will be considered is entirely within our


¹NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

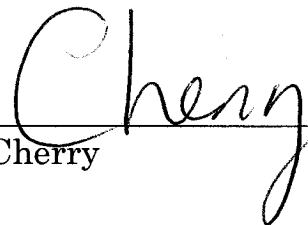
²NRS 34.330.

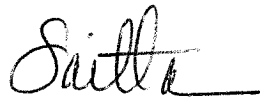
discretion.³ Moreover, petitioner bears the burden of demonstrating that extraordinary relief is warranted⁴ and is responsible for supplying this court with any documentation necessary for our understanding of the matter.⁵

Having reviewed the petition and its exhibits, including the supplement, we are not persuaded that extraordinary relief is warranted. In particular, these documents do not contain sufficient information about the parties' respective interests in the property at issue and any liens on the property, and they do not contain any information relied upon by the district court in setting the rental amount. Also, petitioner did not include points and authorities explaining the effect on one co-owner when another co-owner records a homestead declaration; rather, the authorities cited in the petition concern attempts by non-owner creditors to foreclose on homesteaded property. Under these circumstances, we conclude that our intervention by way of extraordinary relief is not appropriate, and we deny the petition.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

³Smith, 107 Nev. at 677, 818 P.2d at 851.

⁴See Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁵NRAP 21(a).

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Benjamin B. Childs
Peel Brimley LLP
Eighth District Court Clerk