

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH MONTGOMERY,
Appellant,
vs.
JOSEPH KREEGER,
Respondent.

No. 50676

FILED

JUL 11 2008

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a final judgment in a real estate contract dispute. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Respondent sued appellant for specific performance, declaratory relief and damages, seeking enforcement of the parties' option to purchase agreement. After the district court granted respondent summary judgment on his claim for specific performance, respondent voluntarily abandoned other causes of actions alleged in the complaint and the district court entered a final judgment. This appeal followed.

We review a district court's order granting summary judgment de novo without deference to the findings of the lower court.¹ The moving party is entitled to summary judgment when the pleadings and other evidence on file demonstrate that there are no remaining issues of material fact and the party is entitled to judgment as matter of law.²

¹Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).

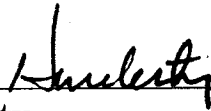
²Id.; NRAP 56(c).

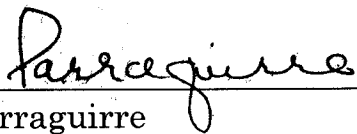
When we review a summary judgment, we must consider the evidence, and any reasonable inferences drawn from it, in a light most favorable to the nonmoving party.³

On appeal, appellant argues that (1) her district court counsel failed to properly investigate and present appellant's case in the district court, (2) the district court abused its discretion by denying appellant a trial on the merits, (3) respondent transferred the property in question to appellant to "secure her future," and (4) respondent made material misrepresentations in the district court proceedings.

Having reviewed appellant's civil proper person appeal statement and the record on appeal, we conclude that the district court did not err in granting judgment to respondent. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J. *Hardesty*
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Mark R. Denton, District Judge
Elizabeth Montgomery
Joseph Kreeger
Eighth District Court Clerk

³Wood, 121 Nev. at 729, 121 P.3d at 1029.