

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD J. LAING,
Appellant,
vs.
ELIZABETH ANN LAING,
Respondent.

No. 51341

FILED

FEB 25 2010

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order appointing a receiver. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

Appellant Edward Laing argues that the district court lacked subject-matter jurisdiction to appoint a receiver for Ed Laing Enterprises, Inc., a Nevada corporation, in order to enforce the terms of the divorce decree or, alternatively, abused its discretion in doing so. For the reasons set forth below, we affirm the district court's order. As the parties are familiar with the facts of this case, we do not recount them except as necessary to our disposition.


DISCUSSION


Pursuant to NRS 125.240, NRS 32.010(3), and NRS 32.010(6), a district court has subject-matter jurisdiction to appoint a receiver over a community property corporation of the parties. Edward's argument that our holding in Ex Rel. Nenzel v. District Court, 49 Nev. 145, 241 P. 317 (1925), precludes appointment of a receiver to collect a money judgment is misplaced. Ex Rel. Nenzel involved the collection of a judgment in the amount of \$1,025,000 and we rejected the appointment of a receiver to ensure collection. Id. at 148-49, 161, 241 P. at 317-18, 322. A money judgment is "[a] judgment for damages subject to immediate execution, as


distinguished from equitable or injunctive relief.” Black’s Law Dictionary 861 (8th ed. 2004). The enforcement of the divorce decree apportioning community property and allocating future payments in this case is equitable in nature. In addition, since our holding in Ex Rel. Nenzel, the authority for the appointment of a receiver pursuant to NRS 125.240 was granted by the Legislature. Further, other jurisdictions approve the appointment of a receiver when a party has failed to distribute profits. See Warner v. Warner, 228 S.E.2d 848, 849 (Ga. 1976); Chalos v. Chalos, 512 N.Y.S.2d 428, 428-29 (N.Y. App. Div. 1987); Gerring v. Pastore, 327 N.Y.S.2d 382, 384 (N.Y. App. Div. 1971). Accordingly, the district court had subject-matter jurisdiction to appoint a receiver.

Thus, we conclude that the district court did not abuse its discretion in appointing a receiver in this case. See Kraemer v. Kraemer, 79 Nev. 287, 293, 382 P.2d 394, 397 (1963) (stating that the district court properly appointed a receiver pursuant to NRS 32.010(6)). Accordingly, we

AFFIRM the order of the district court appointing a receiver.


_____, J.
Cherry


_____, J.
Hardesty


_____, J.
Saitta

cc: Hon. Michael P. Gibbons, District Judge
Carolyn Worrell, Settlement Judge
Richard F. Cornell
William F. Heckman
Lemons Grundy & Eisenberg
Douglas County Clerk