

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIA L. MUSALL,
Appellant,

vs.

STELLA OWENS, INDIVIDUAL,
STELLA OWENS; HAFEN AND HAFEN
REALTY; AND TIM HAFEN,
INDIVIDUAL, TIM HAFEN D/B/A
HAFEN AND HAFEN REALTY,
Respondents.

No. 52776

FILED

DEC 04 2009

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court summary judgment in a real property contract action and post-judgment order awarding costs. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Respondents represented appellant and her husband in the purchase of Pahrump, Nevada, real property. Although appellant ultimately purchased the property, she instituted a district court action against respondents on discovering, years later, that they failed to notify her that the seller had signed her initial offer to purchase the property. According to appellant, by failing to notify her that the seller signed her initial offer, she agreed to the seller's higher counteroffer, and consequently, paid more for the property than she otherwise would have had to.

Respondents moved for summary judgment, arguing that, although they failed to notify appellant that the seller had signed the initial offer document, the seller's signature on that document was intended only to incorporate the document into the seller's counteroffer.


The district court granted respondents summary judgment, concluding that appellant failed to raise any genuine issue with respect to the material fact that the seller never agreed to convey the property at a price other than the price at which appellant ultimately purchased it. This appeal followed.

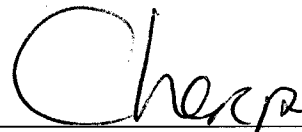
In considering this appeal, this court reviews the order granting summary judgment to respondents de novo. See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment was appropriate if the pleadings and other evidence on file, viewed in a light most favorable to appellant, demonstrated that no genuine issue of material fact remains in dispute and that respondents were entitled to judgment as a matter of law. Id. This court reviews the district court's award of costs for an abuse of discretion. Bobby Berosini, Ltd. v. PETA, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998).

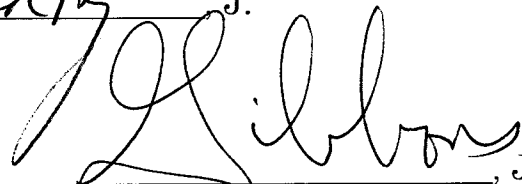
Having considered the record, appellant's appeal statement, and respondents' response in light of those principles, we conclude that the district court did not err when it granted summary judgment to respondents. We further conclude that the district court did not abuse its discretion in awarding costs to respondents.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Robert W. Lane, District Judge
Julia L. Musall
Laxalt & Nomura, Ltd./Las Vegas
Nye County Clerk