

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
MICHAEL D. LEE, DECEASED,

No. 53349

ANITA L. LEE AND PATRICIA  
JOHNSON,  
Appellants,  
vs.  
KIM PRICE,  
Respondent.

FILED

NOV 13 2009

TRADIE K. ZINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

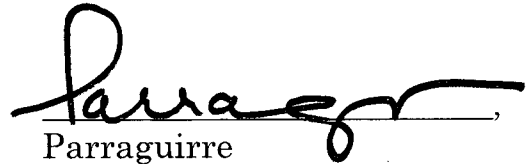
ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment in a probate matter. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

Having reviewed the proper person appeal statement, response, reply, and record on appeal, we affirm the judgment of the district court. Pursuant to NRS 146.070, the district court properly set aside the estate for the support of the decedent's minor heirs. The fact that the minor heirs were adopted subsequent to decedent's death does not alter their status as decedent's heirs as outlined in NRS 127.160, since the heirs' rights were determined at the time of death and the adoption occurred after the death. See NRS 146.070 (indicating that the estate should be set aside if, when the person dies, the estate has a value of less than \$100,000 and decedent has a surviving spouse or minor children); see also Matter of Estate of Ryan, 928 P.2d 735, 737 (Ariz. Ct. App. 1996); Menard v. Fairchild, 328 S.E.2d 721, 724 (Ga. 1985);

Alberino v. Long Island Jewish-Hillside Med., 450 N.Y.S.2d 857, 859 (N.Y. App. Div. 1982); Estate of Burns, 928 P.2d 1094, 1100 n.4 (Wash. 1997). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Doug Smith, District Judge  
Patricia Johnson  
Anita L. Lee  
Trent, Tyrell & Phillips  
Eighth District Court Clerk

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<sup>1</sup>Appellants filed a motion requesting leave to file a reply to respondent's response. We grant the motion. The reply was considered as part of the resolution of this appeal.