

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERALD ELLSWORTH SURFACE,

Appellant,

vs.

HERMINE SURFACE SEPARATE PROPERTY
TRUST; AND MAXIMILIANE WILDEY, AS
SUCCESSOR TRUSTEE OF THE HERMINE
SURFACE SEPARATE PROPERTY TRUST,

Respondents.

No. 34959

FILED

JAN 24 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruban*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

Pursuant to the settlement conference held in this matter, the stipulation of the parties and cause appearing, this appeal is dismissed. The parties shall bear their own costs and attorneys' fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT
JANETTE M. BLOOM

By: *B. Horstmaushoff*

cc: Hon. Lee A. Gates, District Judge
Aubrey Goldberg, Settlement Judge
Benjamin B. Childs
John W. Thomson
Clark County Clerk

SUPREME COURT
OF
NEVADA

CLERK'S ORDER