

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATALIE NEHRING; AND ROBERT
NEHRING,
Appellants,
vs.
PATRICIA WEIR; AND SHAYNE WEIR,
Respondents.

No. 57257

FILED

NOV 21 2011

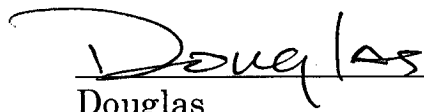
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

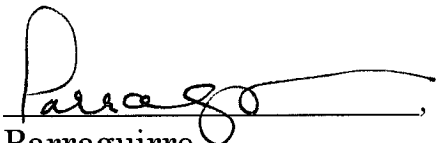
This is an appeal from a preliminary injunction in a real property action. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Having reviewed the briefs and appendices on appeal, we affirm the district court's order granting a preliminary injunction and canceling a lis pendens. We review the district court's determinations concerning both the preliminary injunction and canceling the lis pendens for an abuse of discretion. Dangberg Holdings v. Douglas Co., 115 Nev. 129, 142-43, 978 P.2d 311, 319 (1999) (preliminary injunction); Zhang v. Dist. Ct., 120 Nev. 1037, 1043, 103 P.3d 20, 24 (2004) (lis pendens). The district court properly determined that appellants failed to establish that they were entitled to possession of the subject portion of land through adverse possession, because they did not meet the requirement that they had paid taxes on the underlying land. NRS 11.150; Biasi v. Leavitt, 101 Nev. 86, 89-90, 692 P.2d 1301, 1303-04 (1985). Thus, a preliminary injunction and cancellation of the lis pendens was appropriate. Dangberg Holdings, 115 Nev. at 142, 978 P.2d at 319 (preliminary injunction); NRS 14.015 (lis pendens).

Appellants also argue on appeal that if they are not entitled to possession of the subject portion of land through adverse possession, they are entitled to a prescriptive easement. We conclude that the district court did not abuse its discretion in rejecting this claim based on appellants' failure to adequately address it and we reject appellants' attempt to do so now on appeal. Dangberg Holdings, 115 Nev. at 142-43, 978 P.2d at 319; Zhang, 120 Nev. at 1043, 103 P.3d at 24. Accordingly, we ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Jill I. Greiner, Settlement Judge
Fry & Berning, LLC
Hoffman Test Guinan & Collier
Washoe District Court Clerk