

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD AND ELIZABETH  
HARDMAN,  
Appellants,  
vs.  
DISCOVER BANK,  
Respondent.

No. 57337

**FILED**

**JUL 18 2011**

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

ORDER OF AFFIRMANCE


This is a proper person appeal from a post-judgment district court order denying appellants' claim of exemption from a writ of execution allowing respondent to enforce the judgment. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

On appeal, appellants first argue that the district court erred by not holding the hearing on their claim of exemption until November 23, 2010, because NRS 21.112(5) requires the court to hold the hearing within ten days after the motion for a hearing is filed. We perceive no error in the timing of the hearing, as respondent's October 20, 2010, request for a hearing on appellants' claim of exemption expressly noticed the hearing date and time as November 23, 2010, at 8:30 a.m., appellants did not object, and the hearing was held as scheduled.

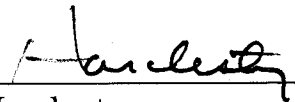
Appellants next argue that the district court erred by rejecting their argument that, in consideration of a promissory note in appellant Richard Hardman's favor, a third-party creditor, who was not a party to the underlying action, perfected a security interest in Mr. Hardman's wages, and that interest was perfected before the judgment in the underlying matter was entered, such that respondent should not have been allowed to garnish Mr. Hardman's wages in executing the judgment.

Having considered the argument and the record, we conclude that the district court properly denied appellants' claim of exemption. Appellants' claim of exemption does not fall within the exempt property listed under NRS 21.090, and the third-party creditor's UCC-1 Financing Statement securing an interest in Mr. Hardman's property, including his bank accounts and wages, is not a basis for exemption from execution of the underlying judgment.<sup>1</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, C.J.  
Douglas

 \_\_\_\_\_, J.  
Saitta

 \_\_\_\_\_, J.  
Hardesty

cc: Hon. Elissa F. Cadish, District Judge  
Elizabeth Hardman  
Richard Hardman  
Gluglielmo & Associates  
Eighth District Court Clerk

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<sup>1</sup>As the district court pointed out, Mr. Hardman is not the holder of the security interest, and no creditor had attempted to execute a competing lien on his wages, so priority of liens was not an issue in respondent executing its judgment.