

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN BRACAMONTES,  
Appellant,  
vs.  
MARCELINO MARTINEZ,  
Respondent.

No. 57477

**FILED**

**NOV 21 2011**

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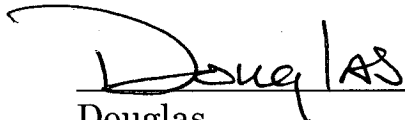
ORDER OF REVERSAL AND REMAND

This is an appeal from a district court summary judgment in a real property action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

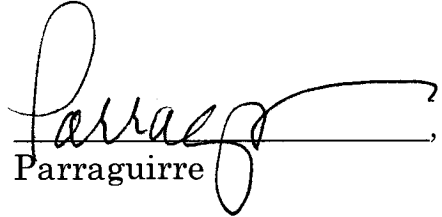
Summary judgment is appropriate when there is no genuine issue of material fact, and thus, the moving party is entitled to judgment as a matter of law. Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). This court reviews an order granting summary judgment de novo. Id.

Having reviewed the briefs and appendices on appeal, we conclude that the district court erred in granting summary judgment. The district court determined that the parties entered into a land sale contract as opposed to a mortgage agreement. We conclude that appellant sufficiently demonstrated a question of material fact as to the type of agreement entered into by the parties, based on the various documents executed by the parties as part of the sale of the property. Id. at 729-32, 121 P.3d at 1029-31. Thus, summary judgment was improper. Id. Accordingly, we

ORDER the judgment of the district court REVERSED AND  
REMAND this matter to the district court for proceedings consistent with  
this order.

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

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Kathleen E. Delaney, District Judge  
Nathaniel J. Reed, Settlement Judge  
Christopherson Law Offices  
McCullough, Perez & Associates, Ltd.  
Eighth District Court Clerk