

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYLAND M. NANCE,

No. 35296

Appellant,

vs.

BRENDA NANCE,

Respondent.

**FILED**

APR 26 2000

*[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order denying a motion to compel specific performance of a settlement agreement, and an appeal from an order denying a motion for reconsideration. Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the orders designated in the notice of appeal were not substantively appealable. See NRAP 3A(b). Appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction, and appellant responded.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984). Generally, the only post-judgment orders that are appealable are special orders after final judgment. See NRAP 3A(b)(2). A special order after final judgment is one that affects the rights of the parties growing out of the judgment. See Wilkinson v. Wilkinson, 73 Nev. 143, 311 P.2d 735 (1957). In addition, an order denying a motion to modify a divorce decree, where the motion is based upon changed factual or legal circumstances and the moving party is not attacking the original judgment, is an appealable order. See Burton v. Burton, 99 Nev. 698, 669 P.2d 703 (1983).

Here, the order denying the motion to compel enforcement of the settlement agreement was not a special order after final judgment, because it did not affect or change the rights of the parties growing out of the judgment. See Wilkinson, 73 Nev. at 145, 311 P.2d at 736. The order is also not appealable under Burton, 99 Nev. at 700, 669 P.2d at 705, because the motion did not seek to modify or amend the judgment, but enforce a later-stipulated settlement.

Finally, an order denying reconsideration is not an appealable order. See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

We therefore lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal dismissed.

<u>Young</u> Young	J.
<u>Agosti</u> Agosti	J.
<u>Leavitt</u> Leavitt	J.

cc: Hon. Charles M. McGee, District Judge  
Lee T. Hotchkin  
Brenda Nance  
Washoe County Clerk