

IN THE SUPREME COURT OF THE STATE OF NEVADA

VINCENT W. WHEELER,
Appellant,
vs.
MARIE B. DE LA SIERRA,
Respondent.

No. 35326

FILED

FEB 18 2000

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

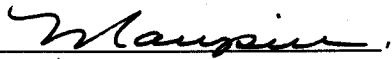
ORDER DISMISSING APPEAL

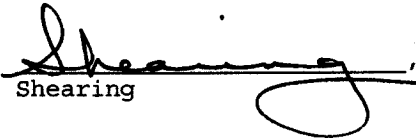
This is a proper person appeal from an order of the district court authorizing the sale of certain real property in an action for partition. We have reviewed the record on appeal, and we conclude that the district court did not err in authorizing the sale of the real property. See NRS 39.010 (in an action for partition of real property held jointly by the parties, the court may order a sale of the property if partition cannot be made without great prejudice to the owners or if the owners consent to the sale); see also NRS 39.120.


The receiver appointed to manage the two properties at issue recommended that the properties be sold to avoid foreclosure because the mortgage payments and expenses related to the properties were in arrears. Further, both properties, which were primarily used for investment purposes, were in need of repairs, and the receiver determined that there were no funds available to make all of the needed repairs. We conclude that the sale of the properties was an equitable and proper result in this case. See Ray v. Hawkins, 76 Nev. 164, 350 P.2d 998 (1960) (stating that because of protracted litigation involving the property, it was in the best interest

for all concerned that the property be sold and the proceeds held for distribution to the parties entitled thereto); see also Kent v. Kent, 108 Nev. 398, 835 P.2d 8 (1992) (a partition action is an equitable one in which the court will apply the broad principles of equity). Accordingly, we dismiss this appeal, and we vacate our temporary stay of the district court's order.

It is so ORDERED.¹


Maupin J.


Shearing J.


Becker J.

cc: Hon. Lee A. Gates, District Judge
Nitz Walton & Heaton
Vincent W. Wheeler
Clark County Clerk

¹On February 4, 2000, appellant submitted three proper person documents. Although appellant has not been granted permission to file these documents in proper person, see NRAP 46(b), we have received and considered these documents. We conclude that the relief requested is not warranted.