

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT S. CHAUVIN, III; AND MARY
E. CHAUVIN,
Appellants,
vs.
NATIONAL DEFAULT SERVICING
CORPORATION, AN ARIZONA
CORPORATION; AMERICA'S
SERVICING COMPANY, A FOREIGN
CORPORATION; AND U.S. BANK, NA
AS TRUSTEE FOR CSMC MORTGAGE
BACKED PASS-THROUGH
CERTIFICATES SERIES 2006-2007,
Respondents.

No. 59380

FILED

FEB 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing appellants' complaint in consolidated actions concerning real property. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

In response to our November 9, 2011, order to show cause why this appeal should not be dismissed for lack of jurisdiction, which pointed out that respondent U.S. Bank's complaint remained pending and thus no final judgment had been entered, appellant submitted a November 10, 2011, district court order granting U.S. Bank a writ of restitution and a November 14, 2011, writ of restitution. U.S. Bank responded by arguing that the writ is temporary and therefore did not finally resolve its unlawful detainer complaint below. Based on the documents before this court, we conclude that the writ is temporary and thus did not constitute the final, appealable judgment, as the court below contemplated additional proceedings on the merits of the unlawful detainer complaint, despite

having dismissed appellants' quiet title claim. Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990). Accordingly, we lack jurisdiction, NRAP 3A(b)(1), and

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Connie J. Steinheimer, District Judge
Paul F. Hamilton, Settlement Judge
Terry J. Thomas
Tiffany & Bosco, P. A.
Washoe District Court Clerk