

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
DOUGLAS D. GOEDERT, DECEASED.

No. 60951

**FILED**

NOV 14 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malina  
DEPUTY CLERK

NORMAN L. WALLIN; AND ESTATE  
OF NATALIE N. WALLIN,  
Appellants,  
vs.  
DENISE M. COSTELLO,  
Respondent.

*ORDER OF AFFIRMANCE*

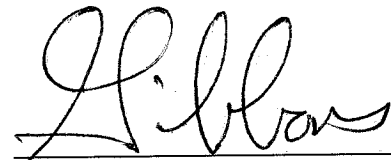
This is an appeal from a district court order setting aside an estate without administration under NRS 146.070(2) in a probate matter. First Judicial District Court, Carson City; James E. Wilson, Judge.

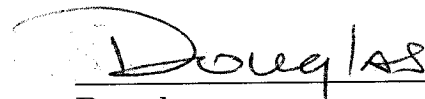
On appeal, appellants raise two arguments in connection with the district court's order setting aside the estate without administration. First, appellants assert that the district court failed to recognize their child support arrearages judgment as a debt of the estate. But, the district court's order specifically recognizes the judgment appellants had against the decedent. Thus, appellants' argument that the district court failed to recognize the judgment as a debt against the estate lacks merit.


Second, appellants contend that the district court failed to adjudicate the validity of their lien on real property based on their recorded judgment. Initially, we note that appellants do not challenge the district court's conclusion that NRS 146.070(2) applied, and under that statute the estate is set aside without administration. Because the estate was set aside without administration, the district court properly declined to adjudicate appellants' lien. In setting aside the estate under the

statute, the district court addressed the estate “after deducting any encumbrances” on the property. NRS 146.070(2). Thus, the estate proceeding was not the proper forum for appellants to attempt to adjudicate their lien on the property, and the district court did not err in declining to address the lien in the underlying proceeding, as the statute provides for a process where “the court shall order that the estate not be administered upon.” *Id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

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

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

cc: Hon. James E. Wilson, District Judge  
Margaret M. Crowley, Settlement Judge  
Jonathan H. King  
Scarpello & Huss, Ltd.  
Carson City Clerk