

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN BIRCH, LISA RICE, AND KAREN  
WHEELER,

Appellants,

vs.

MICHAEL D. BABEY, CARRIE FLORES-  
BABEY, JEAN A. SHELLY, AND FIRST  
CENTENNIAL TITLE CO.,

Respondents.

No. 36968

**FILED**

NOV 15 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY: *Rubane*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying reconsideration of an order dismissing appellants' complaint. Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, an order denying reconsideration is not an appealable order. See *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983). In addition, even if we construed the notice of appeal as an appeal from the order dismissing appellants' complaint, see *Forman v. Eagle Thrifty Drugs & Markets*, 89 Nev. 533, 516 P.2d 1234 (1973), the notice of appeal is untimely. The order dismissing appellants' complaint was entered on August 8, 2000, and notice of entry of the order was served on August 16, 2000. The notice of appeal was filed on October 26, 2000, more than thirty days from service of notice of entry of the order appealed from. See NRAP 4(a)(1). While a timely motion for reconsideration was filed, a motion for reconsideration does not toll the time in which to file a notice of appeal. See NRAP 4(a)(2); *Alvis*, 99 Nev. at 186, 660 P.2d at 981. An untimely notice of appeal fails to vest

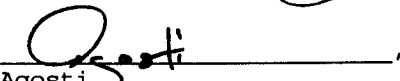
00-20036


jurisdiction in this court. See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.<sup>1</sup>

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Brent T. Adams, District Judge  
Otto & Pope  
Hoffman Test Guinan & Collier  
Karen Wheeler  
Lisa Rice  
Susan Birch  
Washoe County Clerk

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<sup>1</sup>Appellants failed to pay the filing fee required by NRS 2.250. This constitutes an independent basis for dismissal of this appeal.