

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS VAN KOMEN,
Appellant/Cross-Respondent,
vs.
TRUDY VAN KOMEN,
Respondent/Cross-Appellant.

No. 37337

FILED

MAR 05 2002

JANE E M. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL AND CROSS APPEAL
AND REMANDING TO THE DISTRICT COURT

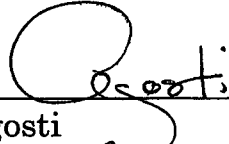
On December 10, 2001, the parties filed a stipulation to dismiss this appeal and cross-appeal, subject "to the approval of the underlying agreement of the parties by the lower court judge." Because the parties had not complied with the procedures for remand set forth in Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978), we entered an order directing appellant to file a motion for remand, accompanied by an order of the district court certifying that upon remand it is inclined to grant the parties' requested relief. Id.


On February 19, 2002, appellant filed a motion for remand, accompanied by an order of the district court approving the parties' settlement agreement. We note that a timely notice of appeal divests the district court of jurisdiction to act. See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987). Accordingly, we elect to construe the district court's order as an order certifying that upon remand it is inclined to grant the parties' requested relief. See Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

Cause appearing, we grant appellant's motion. Accordingly, we remand this matter to the district court pursuant to its certification, and we order this appeal and cross-appeal dismissed.

It is so ORDERED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Jerry V. Sullivan, District Judge
Larry R. Hicks, Settlement Judge
Jack T. Bullock II
Trudy Van Komen
Humboldt County Clerk