

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALPS, LTD., A NEVADA  
CORPORATION,  
Appellant,  
vs.  
SURENDRA SOOD AND SASHI SOOD,  
Respondents.

No. 37338

**FILED**

JUL 16 2002

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

ORDER DISMISSING APPEAL

This is an appeal from a December 20, 2000 district court judgment granting respondents specific performance of a real property purchase agreement. When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed. We were concerned that the district court had not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its judgment as final under NRCP 54(b).<sup>1</sup> Specifically, we noted that respondents' specific performance claim appeared unresolved because the judgment anticipates purchase price adjustments to be determined at a later date.

A claim for specific performance of a real property purchase agreement is not fully resolved until the amount of the purchase price is

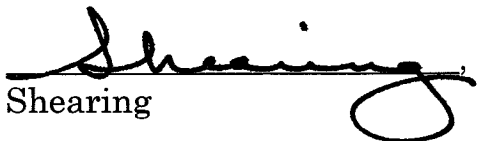
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<sup>1</sup>See Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).


ascertained.<sup>2</sup> Thus, as appellant concedes, because the judgment here did not dispose of all the issues in the case, leaving nothing for the district court's future consideration, the judgment is not final and appealable.<sup>3</sup> Our clarification in Lee v. GNLV Corp.,<sup>4</sup> that an otherwise final judgment remains appealable notwithstanding the pendency of post-judgment issues such as attorney fees and costs, did not relax the standard for what constitutes a final appealable judgment so as to encompass the judgment here.

Consequently, we are without jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

 J.  
Shearing

 J.  
Rose

 J.  
Becker

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<sup>2</sup>Pinchin v. Kinney by and through Kinney, 623 S.W.2d 783 (Tex. App. 1981) (concluding that a judgment for specific performance of an option to purchase real property is not final and appealable if further adjudication is necessary to determine the correct purchase price); cf. Serpa v. Darling, 107 Nev. 299, 305, 810 P.2d 778, 782 (1991) (stating that specific performance is unavailable if the buyer has not tendered performance).

<sup>3</sup>Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).

<sup>4</sup>Id.

cc: Hon. Steven P. Elliott, District Judge  
Patrick O. King, Settlement Judge  
Caldwell & Associates  
Hale Lane Peek Dennison Howard & Anderson/Reno  
Washoe District Court Clerk