

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA DIVISION
OF MANUFACTURED HOUSING,

No. 38014

Appellant,

vs.

PATTI TROUP,

Respondent.

FILED

DEC 17 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. P. [Signature]
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order for payment from the manufactured housing division's recovery fund. Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(e) revealed multiple potential jurisdictional defects. Specifically, it appeared that (1) appellant is not an aggrieved party with standing to appeal;¹ (2) the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its order or judgment as final pursuant to NRCP 54(b);² and (3) the judgment or order designated in the notice of appeal is not substantively appealable, despite appellant's reference in the docketing statement to NRS 155.190(10), which applies to proceedings concerning estates.³ We therefore ordered appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. In addition, we ordered appellant's counsel to show cause why she should not be sanctioned under NRAP 14(c) for her failure to complete the docketing statement fully and accurately,⁴ and for her apparent misrepresentation of appellant's party status.

¹See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994).

²See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); Rae v. All American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979).

³See NRAP 3A(b).

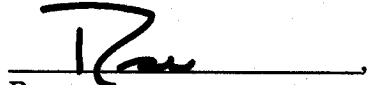
⁴See Moran v. Bonneville Square Assocs., 117 Nev. ___, 25 P.3d 898 (2001); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991).


Appellant and appellant's counsel have responded to our order. We conclude from appellant's counsel's response that sanctions are not warranted this time; however, we advise appellant's counsel to complete docketing statements fully, accurately and on time in the future.

We conclude from appellant's response that we do not have jurisdiction over this appeal. Appellant was not a party in respondent's lawsuit, which arose out of respondent's purchase of a manufactured home. After respondent obtained a default judgment on her warranty and fraud claims against one of the defendants, respondent sought recovery from the state's recovery fund. Instead of filing a petition for an order directing payment out of the fund, which is authorized by NRS 489.4975 "upon termination of all proceedings, including appeals in connection with any judgment," respondent filed a motion for such an order. Although the motion was served on appellant, and appellant submitted a response, appellant was not a party to the lawsuit in which the motion was filed. Thus, while appellant is aggrieved by the district court's order, appellant is not a party with standing to appeal under NRAP 3A(a). Furthermore, although the order would have been a final judgment in the separate post-trial proceeding authorized by NRS 489.4975, which could be appealed under NRAP 3A(b)(1), the order is not a final judgment in the lawsuit in which it was filed. We note that appellant is not without recourse, as it may challenge the order through a writ petition. Because we lack jurisdiction we

ORDER this appeal DISMISSED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. James C. Mahan, District Judge
William C. Turner, Settlement Judge
Attorney General
Susan L. Gray, Deputy Attorney General, Las Vegas
Beverly J. Salhanick
Clark County Clerk