

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELVIN N. WILLIAMS AND STACEY
D. WILLIAMS,
Appellants,
vs.
JAMES A. SPEAR,
Respondent.

No. 39395

FILED

APR 11 2002

JANE TIE M. BLOOM
CLERK OF SUPREME COURT

BY J. Rubande
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting a deficiency judgment following a foreclosure.¹ Our review of the documents before this court reveals a jurisdictional defect. Specifically, the notice of appeal was untimely.

The judgment was entered on February 4, 2002, and notice of entry of the judgment was served by mail on February 13, 2002. Accordingly, the time in which a notice of appeal could be filed expired on March 18, 2002.² The notice of appeal was filed one day late, on March 19,

¹Although appellants were not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from them. We deny the relief requested as moot in light of this order. We also note that appellants failed to pay the filing fee required by NRS 2.250(1)(a), which constitutes an independent basis for dismissal.

²See NRAP 4(a)(1) (providing that a notice of appeal must be filed within thirty days of service of notice of entry); NRAP 26(c) (adding three days where service is by mail).

2002. An untimely notice of appeal fails to vest jurisdiction in this court.³

Accordingly, we

ORDER this appeal DISMISSED.

Maupin, C.J.
Maupin

Agosti, J.
Agosti

Leavitt, J.
Leavitt

cc: Hon. Sally L. Loehrer, District Judge
Kelvin N. Williams
Stacey D. Williams
M. Nelson Segel
Clark County Clerk

³See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987).