

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTHER KHOE CHOW,
Appellant,

vs.

EDNA MARIE NEUNER; ESTATE OF
JUDITH ANN NEUNER; ESTATE OF
WILLEM H. KHOE, DECEASED;
JAMES K. O'REILLY; PATRICK
FLANAGAN; AND TIMOTHY LUKAS,
Respondents.

No. 39579

FILED
OCT 23 2002

OCT 23 2002

JANEI E. LOON
CLERK OF SUPREME COURT
BY *J. Richardson*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order settling the first account and report,¹ and an order approving and settling the second and final account and report in a guardianship matter. Our review of the record reveals a jurisdictional defect. The order appealed from is not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.² An appeal may be taken from a final judgment in an action or proceeding.³ A final judgment is one that disposes of the issues presented in the case and leaves nothing for the court's future consideration.⁴

Neither of the district court's orders is an appealable final judgment because neither disposed of all issues presented in the guardianship proceeding. The December 13, 2000 order settling the first

¹In the notice of appeal, appellant designates the first account and report of the co-guardians filed on October 25, 2000, rather than the order settling the first account and report. We construe the appeal to be from the December 13, 2000 order settling the first account and report.

²See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

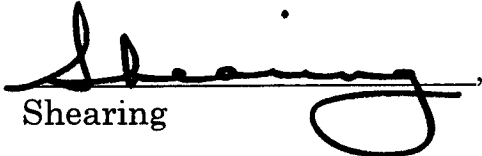
³See NRAP 3A(b)(1).


⁴See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

account was an interlocutory order entered before termination of the guardianship proceeding. As for the April 11, 2002 order approving the second and final account, it expressly stated that the district court will enter a decree discharging the co-guardians when the guardianship estate has been fully administered, and the co-guardian, Edna Marie Neuner, has filed a receipt showing that she paid all money due, delivered the ward's property to the probate estate, and performed all acts lawfully required of her. Additionally, the record reveals that at the time the district court entered the April 11, 2002 order, an issue concerning a request for attorney fees and costs by Hale Lane Peek Dennison Howard and Anderson remained to be decided.⁵

Accordingly, as we lack jurisdiction to consider this appeal, we ORDER this appeal DISMISSED.⁶

 _____, C. J.
Maupin

 _____ J.
Shearing

 _____, J.
Becker

⁵We note that on May 16, 2002, the district court entered an order that appeared to be a final judgment. It resolved the attorney fees and costs issue, approved and ratified the second and final account except for the modifications concerning attorney fees, and ordered the co-guardians discharged from liability. Notice of the order's entry was served on May 16, 2002, and the thirty-day appeal period has apparently expired. See NRAP 4(a)(1).

⁶Although appellant has not been granted permission to file documents in this matter in proper person, see NRAP 46(b), we have considered the documents received from appellant.

cc: Hon. William O. Voy, District Judge, Family Court Division
Hale Lane Peek Dennison Howard & Anderson/Reno
James M. O'Reilly
Esther Khoe Chow
Clark County Clerk