IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACY YVONNE STURGIS,
Appellant,
vs.
LEE VERNARD STURGIS,
Respondent.

No. 39883

FILED

APR 10 2003

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion for reconsideration and an order granting respondent's motion to award him the marital residence, and a 1999 divorce decree. Our review of the documents before us reveals that we lack jurisdiction over this appeal.

The parties were granted a divorce on July 19, 1999. Incorporated in the divorce decree was the parties' stipulation that appellant be awarded the marital residence and respondent pay the mortgage and the association fees for nine months following the decree's entry. If appellant failed to pay the mortgage, for two consecutive months, the property would revert to respondent. Subsequently, a dispute arose concerning the property. The parties negotiated a resolution. On November 15, 2001, the district court entered an order that adopted the parties' resolution, which provided that appellant would have sixty days to obtain refinancing or an assumption of the mortgage and that respondent would have three days to execute a quitclaim deed.

On March 15, 2002, respondent moved the district court to order appellant to return the property because appellant failed to secure refinancing or an assumption of the mortgage. Although the motion was properly served on appellant, she did not oppose the motion or attend a subsequent hearing.

On April 18, 2002, the district court entered a written order that awarded respondent the property. Notice of this order's entry was served by mail on April 23, 2002. On April 26, 2002, appellant moved the district court to reconsider its April 18 order. A hearing was held on appellant's motion for reconsideration on May 2, 2002, and on May 24, 2002, the district court entered a written order denying appellant's motion for reconsideration. Notice of the May order's entry was served by mail on June 12, 2002. On July 1, 2002, appellant filed a notice of appeal from the April 18 order and the May 24 order.

According to appellant, she was never served with written notice of the divorce decree's entry. Thus, on August 15, 2002, appellant filed and served a new notice of the divorce decree's entry. On September 4, 2002, appellant filed an amended notice of appeal in which she designated the 1999 decree.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.[1] No appeal may be taken from an order denying a motion for reconsideration.[2] Thus, this court lacks jurisdiction to consider the May 24 order denying appellant's motion for reconsideration. Additionally, a motion for reconsideration does not toll the time for filing a notice of appeal.[3] Thus, appellant's appeal from

---

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

[2]See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (holding that an order denying a motion for reconsideration is not appealable).

[3]Id., at 186, 660 P.2d at 981 (holding that a motion for reconsideration does not toll the time in which to file a notice of appeal).

the April 18, 2001 order awarding respondent the marital residence is untimely.[4]

Additionally, we lack jurisdiction over the appeal from the 1999 divorce decree, for two reasons: appellant was not aggrieved by the decree, and her appeal is barred by the doctrine of laches.

Only an aggrieved party has standing to appeal.[5] A party is "aggrieved" within the meaning of NRAP 3A(a) when a district court's order adversely and substantially affects either a personal right or right of property.[6] When a party stipulates to the entry of an order, that person cannot later attack it as adversely affecting that party's rights.[7] Here, the parties entered into an agreement that awarded appellant the martial residence and was incorporated into the divorce decree. As appellant agreed to the property division as reflected in the decree, she is not aggrieved by the decree.

Moreover, appellant is barred from appealing the 1999 divorce decree by the doctrine of laches. The doctrine of laches may be invoked as an equitable defense when one party's delay works to the disadvantage of another party, and the delay causes a change of circumstances that makes

---

[4]See NRAP 4(a)(1) (providing that a notice of appeal must be filed within thirty days of service of notice of entry of the order to be appealed); NRAP 26(c) (adding three days to the thirty-day appeal period if service is accomplished by mail).

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

[6]Ginsburg, 110 Nev. 440, 874 P.2d 729.

[7]See Vinci v. Las Vegas Sands, 115 Nev. 243, 984 P.2d 750 (1999).

the grant of relief to the delaying party inequitable.[8] Here, it has been nearly four years since the decree was entered. Due to appellant's delay in filing an appeal from the 1999 decree, respondent contends that he has lived in an apartment, paying rent that exceeds the mortgage payment on the martial residence, and he has not benefited from income tax advantages associated with home ownership. Moreover, respondent insists that the home has increased in value, during a period in which he has attempted to have the property returned to him. Granting any "relief" to appellant from the decree, even if appellant were somewhat aggrieved, would be inequitable under the circumstances.

As we lack jurisdiction over this appeal, we dismiss it.

It is so ORDERED.[9]

Shearing, J.

Leavitt, J.

Becker, J.

---

[8]Carson City v. Price, 113 Nev. 409, 412, 934 P.2d 1042, 1043 (1997).

[9] The clerk of this court shall return unfiled the opening brief and appendix to the opening brief received on March 19, ~~2002~~ 2003. In light of this order, we deny as moot appellant's motion for stay pending appeal.

cc: Hon. Lisa Brown, District Judge, Family Court Division
Kirk-Hughes & Associates
Cliff W. Marcek
Clark County Clerk