

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
LONNIE TED BINION

No. 40161

SANDRA MURPHY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHAEL CHERRY, DISTRICT
JUDGE,

Respondents,

And

JACK BINION AND BONNIE BINION,
Real Parties in
Interest.

FILE

SEP 12 2002

CLERK OF SUPREME COURT
Richard
DEPUTY CLERK


ORDER DENYING PETITION

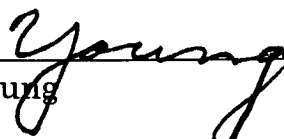
This petition for a writ of prohibition or, alternatively, mandamus seeks an order directing the respondent district court to stay its order confirming the sale of real property pursuant to probate proceedings. Petitioner has also filed a motion for stay of the district court's order.

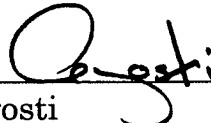
On September 6, 2002, we entered an order directing petitioner to file a supplemental petition and directing real parties in interest to file an answer on an expedited schedule. We have reviewed the petition, supplemental petition, and the answer and we are not persuaded that this court's intervention by way of extraordinary writ to stay the district court's order confirming sale of the real property is warranted at this time. Accordingly, we deny the petition and the motion for a stay.

We note, however, that from the limited record before this court it appears that petitioner's claims in District Court Case Nos. P40663 and A403340 regarding the real property have not been resolved. Accordingly, if the district court allows the real property to be sold, we direct the district court to enter an order requiring that proceeds from such a sale be deposited in an interest bearing account under the provisions set forth in NRS 142.020(3).

It is so ORDERED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. Michael A. Cherry, District Judge
Joseph P. Reiff
James J. Brown
Harry E. Claiborne
Wright Judd & Winckler
Clark County Clerk