

IN THE SUPREME COURT OF THE STATE OF NEVADA

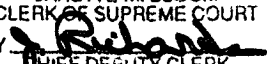
GARY G. BALDWIN,
Appellant,
vs.
CHARLENE A. SCHUNEMAN,
Respondent.

No. 41247

FILED

FEB 24 2005



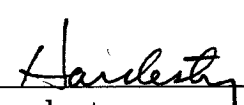
ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is an appeal from a district court judgment in a partition action. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

After reviewing the briefs and the record in this case, we conclude that the district court did not err.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

 _____, J.
Rose
 _____, J.
Gibbons
 _____, J.
Hardesty

¹Lanigir v. Arden, 82 Nev. 28, 33, 409 P.2d 891, 894 (1966) (“A deed executed, acknowledged and recorded is presumed to have been delivered. Whoever questions the fact of delivery must overcome the presumption by clear and convincing evidence.”); Kellner v. Whaley, 27 N.W.2d 183, 186 (Neb. 1947) (holding that there was delivery, even though the grantor “resided on the premises from the time he signed and executed the deeds . . . until his death, collected the rents and profits therefrom, farmed the land, and paid the taxes,” because the grantor had surrendered to the grantee control over the deeds); cf. Adams v. Dopieralla, 611 S.W.2d 750 (Ark. 1981) (holding that there was no delivery because the grantor continued to occupy the home, pay taxes and retained possession of the deed).

²Respondent’s request for attorney fees is denied.

cc: Hon. Nancy M. Saitta, District Judge
William L. McGimsey
Michael R. Pontoni
Clark County Clerk