

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENE HADDOCK,
Appellant,


vs.

WILLIE HADDOCK; GUS W.
FLANGAS; AND GERALDINE KIRK-
HUGHES,
Respondents.

No. 49124

FILED

APR 09 2009

IRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING IN PART AND AFFIRMING IN PART

This is an appeal from a district court order distributing the marital residence's sale proceeds in a divorce action. Eighth Judicial District Court, Family Court Division, Clark County; Stefany Miley, Judge.

In February 2006, the district court entered a divorce decree, addressing, among other issues, child and spousal support and directing appellant Rene Haddock and respondent Willie Haddock to sell their marital residence to satisfy their debts to each other and to third parties, including the attorneys who represented Rene and Willie, respectively, in the district court. Neither party appealed from the divorce decree. After the sale of marital residence, the district court entered an order in February 2007 distributing the sale's proceeds. Rene appeals from this order.

Rene argues that the district court order incorrectly (1) calculated child and spousal support; (2) denied appellant's request for arrearages; (3) did not sanction Willie for allegedly canceling health insurance coverage three months before the court-ordered date; (4)

allowed for a sales commission to be paid out of the sale proceeds; and (5) allowed for payment of attorney fees to respondents Gus W. Flangas and Geraldine Kirk-Hughes out of the sale proceeds.

The issues of child and spousal support were adjudicated in the divorce decree, which was the final judgment in this case. Since the February 2007 order distributing the sale proceeds did not alter any party's rights arising from the decree as to child or spousal support, it is not an appealable special order after final judgment as to these issues. Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002). Because Rene did not timely appeal from the decree, she has waived her right to contest, in this appeal, the child and spousal support set by the decree. Accordingly, this court lacks jurisdiction to consider this portion of Rene's appeal. See NRAP 4(a)(1) and (2).

The issues of arrears, health coverage, and the sales commission are not addressed in the appealed order, and therefore, they are not properly raised in this appeal. As we lack jurisdiction to consider these arguments, the appeal is dismissed as to all of these issues. See NRAP 4(a)(1).

Therefore, the only issue properly before this court is whether attorney fees for Flangas and Kirk-Hughes were properly paid from the sale proceeds. Rene contends that the district court incorrectly allowed for the payment of attorney fees prior to her resolving her fee dispute before the Nevada State Bar Fee Dispute Committee. After reviewing Rene's proper person appeal statement, respondents' responses, and the record on appeal, we conclude that the district court did not abuse its discretion when it directed payment of the attorney fees prior to the fee dispute resolution. If Rene prevails on her claims, the fees will be returned to her

according to the committee's determinations. Accordingly, we affirm the portion of the district court's February 2007 order directing payment of fees to the respondents Flangas and Kirk-Hughes. See NRS 18.015; Bero-Wachs v. Law Office of Logar & Pulver, 123 Nev. 71, 157 P.3d 704 (2007).

As this court lacks jurisdiction to consider all but one of the issues raised by Rene on appeal, we dismiss this appeal in part, and affirm it solely on the issue of the payment of attorney fees to respondents Flangas and Kirk-Hughes.

It is ORDERED.¹

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Eighth Judicial District Court Dept. F, District Judge,
Family Court Division
Rene Haddock
Flangas McMillan Law Group, Inc.
Kirk-Hughes & Associates
McDonald Carano Wilson LLP/Las Vegas
Eighth District Court Clerk

¹We have considered Rene's other arguments raised on appeal and we conclude that they lack merit.