

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG MCKINNEY,
Appellant,
vs.
ROGER WOLFE,
Respondent.

No. 58498

FILED

NOV 16 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment after a bench trial in a mechanic's lien and unlawful detainer action. Tenth Judicial District Court, Churchill County; Leon Aberasturi, Judge.

Respondent filed a complaint alleging that appellant failed to comply with Nevada law in placing mechanic's liens on respondent's property and requested that the court remove the improper liens. Appellant answered and counterclaimed for breach of contract, money damages, unjust enrichment, and fraud, alleging that he had not been paid for work performed on properties owned by appellant. After a bench trial, the district court entered a judgment, finding that appellant acted as an independent contractor, that use of one of respondent's properties as a residence was intended to be part of appellant's compensation for his work, and that appellant provided no evidence of the hours he worked or reasonable estimates of the increase in the value of respondent's properties due to his work. The district court also found appellant's testimony that he expected to receive wages in addition to free housing, a vehicle, and a cell phone to lack credibility. The district court thereafter found that appellant failed to meet his burden of proof as to each of his claims, and that appellant was not entitled to file mechanic's liens against the property as he had no contractor's license and he filed his liens after



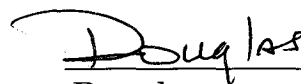
the statutory deadline to do so. The district court ordered the liens removed from respondent's properties and entered an order finding appellant in unlawful possession and detainer of respondent's residential dwelling and ordered appellant to vacate the property. This appeal followed.


This court reviews questions of law de novo. In re AMERCO Derivative Litigation, 127 Nev. ___, ___, 252 P.3d 681, 692 (2011). We will overturn a district court's findings of fact, however, only if they are clearly erroneous and not supported by substantial evidence. Gibellini v. Klindt, 110 Nev. 1201, 1204, 885 P.2d 540, 542 (1994); see also Countrywide Home Loans v. Thitchener, 124 Nev. 725, 739, 192 P.3d 243, 252 (2008) (noting that substantial evidence has been defined as "evidence that a reasonable mind might accept as adequate to support a conclusion" (internal quotations omitted)). Here, the district court made detailed findings regarding the agreements between the parties, the existence of any right on the part of appellant to continue to occupy the premises at issue, the existence of any written contract between the parties, and whether appellant was entitled to further payment or to file mechanic's liens on respondent's properties. The record supports the district court's findings, showing that the appellant was not a licensed contractor, and regardless, he did not timely file the mechanic's liens, the parties specifically did not enter into any written contracts, that appellant produced no evidence that he was owed wages or what those wages would be, and that use of the property at issue was intended to be part of appellant's compensation for his work for respondent and that appellant had ceased to perform any work for respondent.

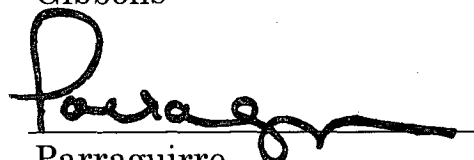
Having reviewed appellant's proper person appeal statement and the record on appeal, we conclude that the district court did not err in

ordering appellant's liens removed from respondent's properties and in finding appellant in unlawful possession and detainer of respondent's residential dwelling and ordering appellant to vacate the property. See NRS 40.250 (tenant of real property is guilty of unlawful detainer when the tenant continues in possession of the property after the expiration of the term of tenancy); NRS 108.222(2) (contractor must be licensed to file a mechanic's lien); NRS 108.226(1)(a)(3) (lien claimant must record a notice of lien within 90 days from the date of the last performance of the work by the lien claimant). Accordingly, as we perceive no error in the court's orders, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Leon Aberasturi, District Judge
Craig McKinney
James F. Sloan
Churchill County Court Administrator

¹In light of this order, all other requests for relief are denied.