

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY GOEDEN, AN INDIVIDUAL;
RANCHO MIRAGE 1, L.L.C., A
NEVADA LIMITED LIABILITY;
SPECIALTY HOLDINGS, INC., A
NEVADA CORPORATION; NEVADA
BUSINESS ASSOCIATES, A NEVADA
CORPORATION; AND CAPITAL CITY
ENTERPRISES, A NEVADA
CORPORATION,

Appellants,

vs.

HOME BUILDERS GROUP, LLC, A
NEVADA LIMITED LIABILITY
COMPANY AND INVESTMENT
EQUITY HOMES, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Respondents.

No. 42236

FILED

FEB 15 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On October 21, 2004, the parties filed a joint motion to dismiss this appeal. The parties represented that they have agreed to a settlement of this matter and that the appeal should be dismissed. The parties also represented that the bankruptcy court entered an order entitled, "Order Granting Motion to Approve Compromise with Investment Equity Homes," on September 23, 2004, which would allow this court to dismiss the appeal. The parties stated that a "true and exact copy" of that order was attached to the motion for dismissal.

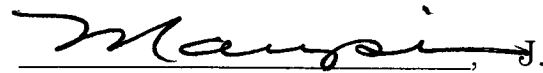
Because the parties failed to attach such document to the motion, on December 7, 2004, this court entered an order deferring resolution of the motion. That order directed appellants, within 20 days, to file a copy of that bankruptcy court order along with a status report

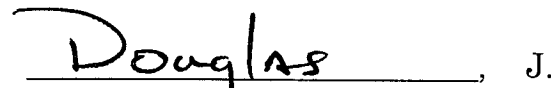
explaining whether that order lifts the automatic bankruptcy stay such that this court may dismiss the appeal pursuant to the motion for dismissal.

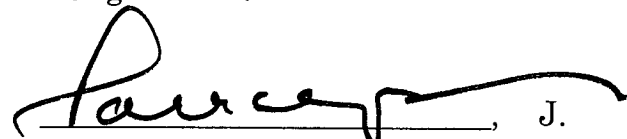
Appellants have filed status report in response to the December 7, 2004, order. In the report, appellants state that "[i]mplicit in the Order Approving Settlement is permission for this Court to dismiss the instant appeal." Attached to the report is an order filed in the United States Bankruptcy Court entitled "Order Granting Motion to Approve Compromise with Investment Equity Homes." We note that on page 4 of that order the bankruptcy court orders the parties to "immediately stipulate to dismiss" this appeal.

Cause appearing, the parties' joint motion to dismiss this appeal is granted. This appeal is dismissed. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.


Maupin


Douglas


Parraguirre

cc: Eighth Judicial District Court Dept. 1, District Judge
Howard Roitman, Settlement Judge
Santoro, Driggs, Walch, Kearney, Johnson & Thompson
Beckley Singleton, Chtd./Las Vegas
Greenberg, Fields & Whitecombe, LLC
Clark County Clerk