

IN THE SUPREME COURT OF THE STATE OF NEVADA

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PATRICIA ANTHONY; AND
WILLIAM ANTHONY

Appellants,

vs.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

Respondent.

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)Supreme Court No. 73761

)District Court Case No.

CV17000843

Dept. 8

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Electronically Filed
Aug 28 2017 09:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANTS' NOTICE OF WITHDRAWAL OF NOTICE OF APPEAL WITHOUT
PREJUDICE

Michael Lehnars, Esquire
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Attorneys for Appellants

Appellants, Patricia Anthony and William Anthony (herein "Anthony") file the following notice of withdrawal of their notice of appeal of this Court's August 7, 2017 order granting preliminary injunction. This notice is made and based upon the pleadings on file herein and the Memorandum of Points and Authorities attached hereto.

MEMORANDUM OF POINTS AND AUTHORITIES

The appeal of an order granting or refusing to grant an injunction or dissolving or refusing to dissolve an injunction is an appealable determination under Nev. R. App. Pro. 3(b)(3). The Order in question was issued on August 7, 2017. Notice of entry was given on August 8, 2017.

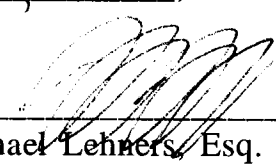
On August 16, 2017 the Anthonys met with and retained undersigned counsel. On August 21, 2017 counsel prepared and filed in the district court an answer and counterclaim and a motion to alter or amend the August 7, 2017 Order.

The counterclaim and motion are based upon perceived Article Nine violations which are set forth in detail in the counterclaim and motion. A motion to alter or amend under Nev. R. Civ. Pro. 59 tolls the time to file a notice of appeal. See Nev. R. App. Pro. 4(a)(4)(C).

The filing of an appeal divests the district court of jurisdiction. For that reason, the Anthonys are filing a withdrawal of the notice of appeal so they can have the district court rule on their motion to alter or amend the August 7, 2017 order.

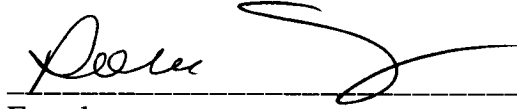
Dated: This 23 day of August, 2017

By: _____


Michael Lehnert, Esq.
429 Marsh Ave.
Reno, Nevada 89509
Nevada Bar Number 003331

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Michael Lehnert, Esq., and that on the 23 day of August, 2017 I deposited for mailing with postage prepaid a true and correct copy of the foregoing Notice of Withdrawal of Notice of Appeal addressed to Gregory L. Wilde, Esq., Tiffany & Bosco, 212 S. Jones Blvd., Las Vegas, Nevada 89107.



Employee