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and fairness of the judicial process. *State v. Barfield*, 272 Neb. 502, 723 N.W.2d 303 (2006), *disapproved on other grounds, State v. McCulloch*, 274 Neb. 636, 742 N.W.2d 727 (2007). Finding plain error, we modify the defendant's sentence of probation from 3 years to 2 years.

CONCLUSION

Based on the foregoing, we affirm the district court's judgment as modified.

AFFIRMED AS MODIFIED.

KRISTI A. SHAFER, APPELLEE, V.
LAYNE D. SHAFER, APPELLANT.
743 N.W.2d 781

Filed January 22, 2008. No. A-06-362.

SUPPLEMENTAL OPINION

Appeal from the District Court for Dawson County: JAMES E. DOYLE IV, Judge. Supplemental opinion: Former opinion modified. Motion for rehearing overruled.

Brian J. Davis and Claude E. Berreckman, Jr., of Berreckman & Berreckman, P.C., for appellant.

Kent A. Schroeder, of Ross, Schroeder & George, L.L.C., for appellee.

IRWIN, SIEVERS, and CASSEL, Judges.

PER CURIAM.

This matter is before the court on the motion for rehearing of Layne D. Shafer regarding our opinion reported in *Shafer v. Shafer, ante* p. 170, 741 N.W.2d 173 (2007). We overrule the motion, but modify the opinion as follows:

In that portion of the opinion designated the "Analysis," the last paragraph of the section addressing the treatment of the cattle, *id.* at 178-79, 741 N.W.2d at 179, is withdrawn, and the following paragraph is substituted in its place:

> The change in the property division attributable to this modification is as follows: The trial court found that the total net marital estate was $446,462, which when reduced by $59,600 becomes $386,862. Thus, half of the net marital estate is $193,431. The trial court awarded Kristi $197,725 as her "net marital estate award" and an equalizing payment of $25,506. We eliminate the equalizing payment, leaving Kristi with a total of $197,725—approximately 51 percent of the net marital estate. In all other respects, we affirm the trial court's property division.

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.
MOTION FOR REHEARING OVERRULED.

MARY ELIZABETH WAGNER, APPELLEE, V.
JAMES BRIAN WAGNER, APPELLANT.
743 N.W.2d 782

Filed January 22, 2008. No. A-06-427.

1. **Jurisdiction: Appeal and Error.** Before reaching the legal issues presented for review, it is the duty of an appellate court to determine whether it has jurisdiction over the matter before it.
2. **Judgments: Final Orders: Time: Notice: Appeal and Error.** Proceedings to obtain a reversal, vacation, or modification of judgments and decrees rendered or final orders made by the district court shall be by filing within 30 days after the entry of such judgment, decree, or final order, a notice of intention to prosecute such appeal.
3. **Judgments: Words and Phrases.** A judgment is the final determination of the rights of the parties in an action.
4. **Judgments: Records: Words and Phrases.** Rendition of a judgment is the act of the court, or a judge thereof, in making and signing a written notation of the relief granted or denied in an action.
5. **Judgments: Records: Time: Appeal and Error.** The entry of a judgment, decree, or final order occurs when the clerk of the court places the file stamp and date upon the judgment, decree, or final order. For purposes of determining the time for appeal, the date stamped on the judgment, decree, or final order shall be the date of entry.

Appeal from the District Court for Hall County: JAMES LIVINGSTON, Judge. Appeal dismissed.