

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFF BELMONT,
Appellant,
vs.
KRISTI BELMONT,
Respondent.

No. 44294

FILED

DEC 07 2006

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

ORDER OF AFFIRMANCE

This is an appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge. Appellant challenges the portion of the divorce decree regarding spousal support.

The parties were married for approximately ten years. The record shows that in the late 1990s, respondent suffered a back injury and subsequently required back surgery. Then in 2002, respondent was in a car accident which exacerbated her back condition. Respondent has qualified for social security disability, and receives benefits in the amount of \$589 per month. Her ability to work remains questionable.

In 2003, respondent filed a complaint for divorce. In the complaint, respondent requested spousal support in the amount of \$2,000 to \$2,500 per month. Appellant opposed respondent's request and contended that respondent is not disabled and is able to work.

Following a hearing on the divorce complaint, the district court granted the parties a divorce. In the divorce decree, the district court ordered appellant to pay respondent spousal support in the amount

of \$1,000 per month for twelve months and, thereafter, \$1,500 per month for five years. Appellant has appealed.

On appeal, appellant contends, among other others, that he cannot afford to pay the spousal support award and that the district court abused its discretion by relying on his fluctuating overtime pay in determining the amount of the award. Moreover, appellant insists that respondent is able to work and support herself.

The district court has wide discretion in determining whether to grant spousal support, and this court will not disturb the district court's award absent an abuse of discretion.¹ The district court may award spousal support in a "specified principal sum or as specified periodic payments, as appears just and equitable."² This court has observed that spousal support is "an equitable award serving to meet the post-divorce needs and rights of the former spouse."³ Moreover, we have noted that the appropriate amount and length of any spousal support award will depend on the individual circumstances of each case.⁴

Here, the district court stated that respondent's disability was a significant factor in determining the amount and length of the spousal support award. The court further recognized that respondent's injuries

¹See Wolff v. Wolff, 112 Nev. 1355, 1359, 929 P.2d 916, 918-19 (1996) (holding that an award of spousal support will not be disturbed on appeal unless it appears from the record that the district court abused its discretion).

²NRS 125.150(1)(a).

³Shydler v. Shydler, 114 Nev. 192, 198, 954 P.2d 37, 40 (1998).

⁴Id.

occurred during the marriage. And the district court made clear that it considered the fact that appellant's employment earnings vary. Based on these considerations, the district court determined that the amount and length of the spousal support award was just and equitable. Having reviewed the record and the parties' briefs, we conclude that the district court did not abuse its discretion when awarding spousal support. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Pecos Legal Services
Ganz & Hauf
Mainor Eglet Cottle, LLP
Clark County Clerk