

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICIA N. CASTANEDA,
Appellant,
vs.
STEVE CASTANEDA,
Respondent.

No. 45052

FILED

MAR 09 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. Rade*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.

Appellant challenges the portions of the divorce decree concerning the characterization and division of certain community property, spousal support, and attorney fees.

In granting a divorce, the district court is required, as much as practicable, to make an equal distribution of community property.¹ This court has previously noted that it will not interfere with the disposition of the parties' community property, unless it appears from the entire record that the district court abused its discretion.² Here, the district court determined, after hearing testimony from the parties and respondent's brother and considering the evidence, that the \$170,000 that respondent's

¹See NRS 125.150(1)(b).

²See Rodriguez v. Rodriguez, 116 Nev. 993, 13 P.3d 415 (2000).

brother gave to respondent was a loan to the community. Accordingly, the district court directed the parties to repay the loan from the proceeds from the sale of certain community real property. The district court properly performed its role as fact finder in determining that the brother had loaned respondent the money, despite appellant's disagreement³ and, thus, we conclude that the record supports the district court's decision regarding the characterization and disposition of the \$170,000.

With regard to spousal support, appellant contends that the district court abused its discretion when it denied her request for spousal support. The district court is entitled to wide discretion in determining whether to grant spousal support.⁴ NRS 125.150 authorizes the district court to award spousal support as is just and equitable. This court will not disturb the district court's decision regard this support absent an abuse of discretion.⁵ Here, the record shows that the district court concluded that appellant was not entitled to spousal support based on the length of the marriage and the parties' respective financial conditions. We conclude that the district court did not abuse its discretion when it denied appellant's request.

³See Greeson v. Barnes, 111 Nev. 1198, 1205, 900 P.2d 943, 948 (1995) (recognizing that the weight and credibility of a witness's testimony is within the province of the trier of fact) superceded on other grounds by Matter of Parental Rights as to N.J., 116 Nev. 790, 8 P.3d 126 (2000).


⁴Fick v. Fick, 109 Nev. 458, 464, 851 P.2d 445, 450 (1993).

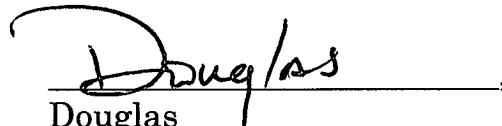
⁵Daniel v. Baker, 106 Nev. 412, 414, 794 P.2d 345, 346 (1990).

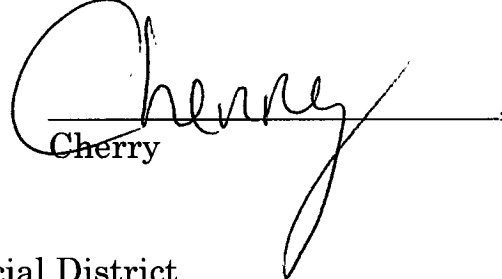
Finally, as for attorney fees, the district court was within its discretion to deny appellant's request for attorney fees.⁶

As the district court did not abuse its discretion with respect to division of community debts, spousal support, and attorney fees we

ORDER the judgment of the district court AFFIRMED.⁷


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Chief Judge, Eighth Judicial District
Hon. J. Charles Thompson, Senior Judge
Howard Roitman, Settlement Judge
Patricia N. Castaneda
Smith Larsen & Wixom
Eighth District Court Clerk

⁶See Sprenger v. Sprenger, 110 Nev. 855, 878 P.2d 284 (1994) (concluding that an award of attorney fees in divorce proceedings lies within the sound discretion of the district court).

⁷We have considered appellant's remaining arguments and conclude that they lack merit. On February 1, 2007, appellant filed a proper person document in which she stated that she intended to move this court to withdraw or dismiss the appeal. To date, we have not received any such motion.