

IN THE SUPREME COURT OF THE STATE OF NEVADA

TREASSA MAY VOTAW,
Appellant,
vs.
GARY WADE NOLEN,
Respondent.

No. 45063

FILED

OCT 18 2006

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Sixth Judicial District Court, Lander County; John M. Iroz, Judge. Appellant challenges the portions of the divorce decree that concern the division of property and spousal support.

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 ordered the equal division of certain community assets, and ordered the parties to share in the payment of the community debt.

¹See NRS 125.150(1)(b).

²See Heim v. Heim, 104 Nev. 605, 607, 763 P.2d 678, 679 (1988), superseded on other grounds as stated by Rodriguez v. Rodriguez, 116 Nev. 993, 13 P.3d 415 (2000).

Appellant contends that the district court overlooked that certain equipment was never addressed in the decree, but she does not specifically identify the equipment. Moreover, appellant insists that the district court abused its discretion when it failed to divide personal property, including a laptop computer, digital camera, a knife collection and a coin collection. The record shows that appellant never listed these items as property to be divided in the district court. Finally, appellant insists that she did not receive the fair market value for the parties' horses. The record shows that appellant valued four horses at \$8,000, and respondent valued three horses at \$4,500. The district court valued the two horses that it awarded to appellant at \$4,000 and the two horses awarded to respondent at \$3,000. The district court's valuation of the horses is supported by substantial evidence.³ We conclude that the record supports the district court's decision regarding the disposition of property.

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, as well as the amount thereof.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 whether to award spousal support absent an abuse of discretion.⁵

³See City of Las Vegas v. Laughlin, 111 Nev. 557, 558, 893 P.2d 383, 384 (1995) (recognizing that substantial evidence is that which a sensible person may accept as adequate to sustain a judgment).

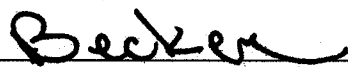
⁴Fick v. Fick, 109 Nev. 458, 464, 851 P.2d 445, 450 (1993).

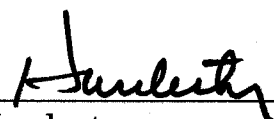
⁵Daniel v. Baker, 106 Nev. 412, 414, 794 P.2d 345, 346 (1990).


When the district court declined to award appellant spousal support, it explained that it made the decision based on the parties' respective financial conditions, ages, education, length of the marriage, and job history. The court also considered the fact that under the decree, appellant received a community interest in all of the parties' assets that were either purchased or paid off with respondent's separate property. Thus, we conclude that the district court did not abuse its discretion when it declined to award appellant spousal support.

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

ORDER the judgment of the district court AFFIRMED.⁶


_____, J.
Becker


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. John M. Iroz, District Judge
Treassa May Votaw
Virginia R. Shane
Lander County Clerk

⁶We have considered appellant's remaining arguments and conclude they lack merit.