

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIA B. CHAVEZ,  
Appellant/Cross-Respondent,

vs.

RAMON CHAVEZ-HERNANDEZ,  
Respondent/Cross-Appellant.

No. 45172

**FILED**

DEC 01 2006

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

ORDER AFFIRMING IN PART, REVERSING IN PART AND  
REMANDING

This is an appeal and cross-appeal from a final divorce decree. Second Judicial District Court, Family Court Division, Washoe County; Deborah Schumacher, Judge.

Appellant/cross-respondent Maria B. Chavez and respondent/cross-appellant Ramon Chavez-Hernandez raise multiple issues on appeal concerning the distribution of their community property under the district court's final divorce decree. The parties are familiar with the facts, and we do not recount them here except as necessary for our disposition.

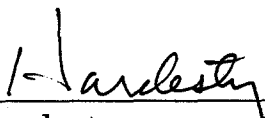
Maria argues that the district court abused its discretion by granting Ramon a \$35,000 set-off. Nothing in the record indicates that Ramon is entitled to a \$35,000 set-off. In fact, the only places in the record where this figure appears are in Maria's written final argument and the divorce decree.

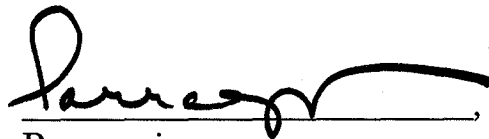
We conclude that the district court abused its discretion when it determined that Ramon was entitled to a \$35,000 set-off since Maria mistakenly stated in her written final argument that the set-off should be

\$35,000, rather than \$3,500.<sup>1</sup> We further conclude that the district court's calculation of the \$35,000 set-off was based on a clerical error and that the correct amount is \$3,500. Therefore, to the extent that the divorce decree allows for a \$35,000 set-off, it is reversed, and the matter is remanded so that the district court may correct that portion of the decree in accordance with this order. Having considered the remaining arguments of both parties and determined that they are without merit, we affirm the remainder of the divorce decree.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Deborah Schumacher, District Judge, Family Court Division  
Carolyn Worrell, Settlement Judge  
Carter R. King  
Herbert J. Santos Sr.  
Washoe District Court Clerk

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<sup>1</sup>See Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 916 (1996) (stating that this court will interfere with the district court's distribution of community property only where, based on our review of the entire record, it appears that the district court abused its discretion).