


IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNEST H. KEITT,  
Appellant,  
vs.  
HOLLY ROBBINS-KEITT,  
Respondent.

No. 48199

**FILED**

JAN 15 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Sandra Pomrenze, Judge.

Respondent Holly Robbins-Keitt filed a complaint for divorce from appellant Ernest H. Keitt. Subsequently, the court entered a divorce decree,<sup>1</sup> finding that each party was responsible for his and her own costs and fees and neither party was entitled to spousal support. The court also found that because Ernest had failed to comply with the court-ordered mediation, Holly was entitled to a \$100 reimbursement for the fee that she had paid to the mediator. Ernest was ordered to pay his one-half share of the mortgage payments and HOA dues on the parties' condominium, including past due amounts and future amounts up until the

<sup>1</sup>Before entering the divorce decree, the district court entered an interlocutory order allowing Holly to withdraw \$4,500 from her 401k so that she could make mortgage payments on the parties' community real property (a condominium), to prevent it from going into foreclosure. The court also ordered Ernest to pay Holly one half of the monthly mortgage payments and the home owners' association (HOA) dues on that condominium. The court then ordered the property to be listed for sale.

condominium sold. Ernest and Holly were each awarded their personal jewelry, half of Holly's 401k (after the \$4,500 disbursement was repaid), and a one-half interest in the proceeds from the future sale of the condominium. The court found that the vehicle in Holly's possession was about equal in value to the two vehicles in Ernest's possession, and thus awarded each party the vehicles that they had possession over. With regard to individual pieces of personal property, the court concluded that it had insufficient information to make a determination about entitlement, but it allowed Ernest to list any remaining community personal property and ordered that those items would then be divided equally. As for debts, the court concluded that any remaining debts belonged to Ernest, since Holly had discharged her obligations through bankruptcy and Ernest had declined to participate in the bankruptcy proceedings. Finally, the court awarded the Security Systems business, and any related encumbrances, to Ernest as his sole and separate property. Ernest appeals.

On appeal, Ernest argues that the district court abused its discretion by failing to (1) divide all of the community personal property, (2) equally divide all of the community debts, including business debts and a tax lien related to the business, (3) consider the value of the parties' vehicles after factoring in outstanding loan balances on those vehicles, (4) acknowledge his request for discovery, (5) consider attorney fees and spousal support issues, and (6) establish jurisdiction through affidavit of a resident witness. Ernest also maintains that the court falsely referred to the condominium as the marital home and considered a motion that was not properly served on him. Finally, Ernest asserts that the district court judge was biased against him.

We review a district court's decision concerning divorce proceedings for an abuse of discretion, and we will affirm the court's rulings regarding the disposition of property in such proceedings if supported by substantial evidence.<sup>2</sup> Substantial evidence is that which a sensible person may accept as adequate to sustain a judgment.<sup>3</sup> In dividing community property, the district court must, to the extent practicable, make an equal disposition of such property.<sup>4</sup> As for spousal support, the district court is entitled to wide discretion in determining whether to grant alimony.<sup>5</sup> NRS 125.150 authorizes the district court to award spousal support as is just and equitable.

Having reviewed the record and Ernest's civil proper person appeal statement,<sup>6</sup> we conclude that the district court did not abuse its discretion when it disposed of the parties' community property and debt

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<sup>2</sup>Shydler v. Shydler, 114 Nev. 192, 196, 954 P.2d 37, 39 (1998).

<sup>3</sup>See Schmanski v. Schmanski, 115 Nev. 247, 251, 984 P.2d 752, 755 (1999).

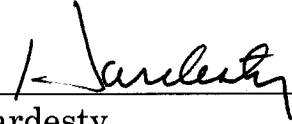
<sup>4</sup>NRS 125.150(1)(b)(2007).

<sup>5</sup>Fick v. Fick, 109 Nev. 458, 464, 851 P.2d 445, 450 (1993).

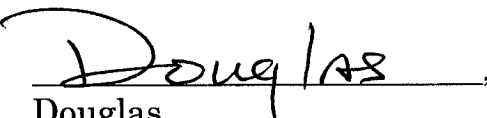
<sup>6</sup>Attached to Ernest's appeal statement were materials related to the divorce proceeding as well as a separate proceeding. To the extent that those materials were not part of the record on appeal in this matter, they were not considered in our resolution of this appeal. See Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 635 P.2d 276 (1981) (noting that this court cannot consider matters not properly appearing in the record).

and when it denied any award of spousal support.<sup>7</sup> Accordingly, as substantial evidence in the record supports the district court's decision, we

ORDER the judgment of the district court AFFIRMED.<sup>8</sup>

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

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

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Sandra Pomrenze, District Judge, Family Court Division  
Ernest H. Keitt  
Holly Robbins-Keitt  
Eighth District Court Clerk

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<sup>7</sup>As for Ernest's other contentions on appeal, we conclude that they lack merit, and therefore, we decline to further address them.

<sup>8</sup>On June 25, 2007, the district court transmitted, as directed, a copy of its order resolving Ernest's motion to proceed on appeal with in forma pauperis (IFP) status. As the district court order granted Ernest's motion, we have waived the filing fees in this appeal. See NRAP 24(a). Before this issue was resolved, however, Ernest filed proper person request for transcripts. Given the pending status of his IFP motion at that time, it is unclear whether Ernest is requesting that this court order transcripts, and the court reporter filed an estimated cost of transcripts, indicating that an \$850 deposit is required for transcribing the recorded proceedings. Regardless, since the transcripts are not necessary for our disposition in this appeal, any request for transcripts is denied.