

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSIE NILES LAWRIMORE,
Appellant,
vs.
SHARON K. LAWRIMORE N/K/A
SHARON K. PRATT,
Respondent.

No. 51556

FILED

SEP 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court post-divorce decree order concerning spousal support. Eighth Judicial District Court, Family Court Division, Clark County; Lisa M. Kent, Judge.

The parties were granted a divorce in 1999. As part of the divorce decree, appellant was ordered to pay respondent spousal support in the amount of \$3,000 per month and \$500,000, as respondent's community interest in the parties' businesses, in payments of \$50,000 every six months until paid. Not long after the divorce decree was entered, appellant ceased paying support. Thereafter, a series of motions were filed by both parties. Appellant filed motions seeking to reduce or stop his spousal support obligation. Respondent filed motions seeking to obtain the support awarded to her under the divorce decree, and related to those motions, respondent filed numerous motions to hold appellant in contempt for failing to comply with the district court's orders. Appellant was held, on more than one occasion, to be in contempt of court for failing to pay his spousal support obligation.

Ultimately, the district court denied appellant's motion to modify his support obligation. The district court further ordered that appellant place \$450,000 into an interest bearing vehicle to secure respondent's monthly spousal support of \$3,000 per month.¹ This appeal followed. In 2007, appellant filed for bankruptcy. In 2008, this appeal was dismissed, without prejudice, in light of the bankruptcy proceedings. In 2011, appellant moved this court to reinstate this appeal, which we granted and ordered the remittitur recalled.

The district court has wide discretion in determining spousal support issues, and this court will not disturb the district court's award of alimony absent an abuse of discretion. Wolff v. Wolff, 112 Nev. 1355, 1359, 929 P.2d 916, 918-19 (1996) (explaining 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). The court "[m]ay award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable." NRS 125.150(1)(a). A district court's factual findings will be upheld if supported by substantial evidence in the record. Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000). Substantial evidence is that which a sensible person may accept as adequate to sustain a judgment. See Schmanski v. Schmanski, 115 Nev. 247, 251, 984 P.2d 752, 755 (1999).

¹The district court also determined support arrears and awarded respondent attorney fees. Appellant does not challenge these portions of the district court's order, and thus, we do not address those issues.

This court generally defers to the district court regarding witness credibility and will not reweigh evidence. Castle v. Simmons, 120 Nev. 98, 103, 86 P.3d 1042, 1046 (2004) (noting that this court “will not reweigh the credibility of witnesses on appeal; that duty rests within the trier of fact’s sound discretion”).

On appeal, appellant contends that the district court abused its discretion when it reduced the spousal support award to a lump sum and when it failed to reduce the amount of the original award. Appellant contends that when making its decision regarding support, the district court failed to take into account his financial circumstances as established by his federal income tax returns, his health condition, and his life expectancy. Respondent contends that the district court properly considered appellant’s income and assets, which he transferred into two trusts over which he maintained control, when determining appellant’s ability to pay his support obligation. Respondent also contends that awarding her lump sum support is necessary based on appellant’s contemptuous conduct and his continuous refusal to pay support.


In its order, the district court found that appellant “purposefully sought ways and means to avoid his alimony obligation to [respondent], including, inter alia, transferring all of his assets into spendthrift trusts and creating a myriad of corporate entities to filter millions of dollars through, though all the while enjoying the benefits of the same.” The district court further found that appellant “admitted to creating the trusts, causing a civil action to be filed against [him], filing bankruptcy, all in an effort to avoid his alimony obligation.” Appellant makes no attempt in his pleadings in this court to rebut these findings.

The record also shows that appellant and his new wife received numerous checks from one of the trusts for various items, including, cars, an aircraft, a motorhome, and other recreational vehicles. The record further reveals that when the most recent proceedings commenced in the district court, one of the trusts had approximately \$5 million in assets. The court found that appellant has access to "abundant financial resources." The court noted that appellant's bankruptcy estate holds \$155,000 from the sale of real property in Utah and the real property in Las Vegas, referred to as the Betty Lane property, valued at \$1.5-2.1 million. The district court acknowledged appellant's health issues, as well as respondent's health issues, and the fact that respondent has been forced to live frugally, while appellant "has enjoyed a lavish lifestyle." The court further found that appellant lacked credibility based on his conduct and misrepresentations throughout the underlying proceedings.

Under NRS 125.150(7), a district court may modify a spousal support award that has not accrued based on the obligor's changed financial circumstances. The district court may also award support "in a specified principal sum . . . as appears just and equitable." NRS 125.150(1)(a); see also Daniel v. Baker, 106 Nev. 412, 414, 794 P.2d 345, 346 (1990). Here, the record supports the district court's determination that appellant failed to comply with the divorce decree and subsequent orders directing appellant to pay his support obligation. The district court was within its right to consider the trusts, to which appellant transferred assets to avoid his support obligation, when determining whether to reduce the spousal support to a lump sum.

Having reviewed the parties' briefs and the appellate record, we conclude that substantial evidence supports the district court's order denying appellant's motion to modify the spousal support and holding that appellant shall place \$450,000 into an interest-bearing vehicle to secure respondent's monthly spousal support. Accordingly, we

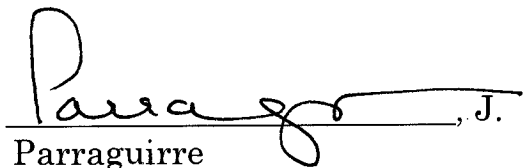
ORDER the judgment of the district court AFFIRMED.

 _____, J.

Douglas

 _____, J.

Gibbons

 _____, J.

Parraguirre

cc: Hon. Lisa M. Kent, District Judge, Family Court Division
Paul H. Schofield, Settlement Judge
Amesbury Law Offices
Jeffrey Ian Shaner, Ltd.
Eighth District Court Clerk