

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER R. RUPERT,  
Appellant,  
vs.  
BETTY B. RUPERT,  
Respondent.

No. 54854

**FILED**

JUL 20 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an annulment decree. Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

Appellant challenges the district court's division of the parties' real property on the basis that the district court lacked subject matter jurisdiction to divide the residence because the parties' marriage was void. Respondent contends that the property division was proper because appellant failed to produce any evidence to trace his alleged separate property funds out of the community property.<sup>1</sup>

Having considered the parties' arguments, we conclude that the district court had subject matter jurisdiction to divide the parties' property and that the district court did not abuse its discretion in dividing the property. Williams v. Williams, 120 Nev. 559, 567-68, 97 P.3d 1124, 1129-30 (2004). In this matter, the parties' marriage was annulled

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<sup>1</sup>We note that respondent's counsel failed to comply with this court's February 19, 2010, order directing respondent to file a response that included "points and authorities." We caution respondent's counsel that failure to comply with our orders or appellate rules in the future may warrant the imposition of sanctions.

because respondent was still married to her first husband at the time of the parties' marriage. Thus, the putative spouse doctrine applies, which gives legal effect to the parties' relationship. See id. at 564-67, 97 P.3d at 1127-29. When applying the putative spouse doctrine, the district court may divide the parties' property according to community property principles. Id. at 567, 97 P.3d at 1129. The district court's division of property is then reviewed for an abuse of discretion and, if supported by substantial evidence, the district court's decision will not be disturbed on appeal. Id. at 567-68, 97 P.3d at 1129-30. We conclude that the district court record supports the district court's division of property. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division  
Alexander R. Rupert  
Craig I. Ihara  
Eighth District Court Clerk

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<sup>2</sup>To the extent that appellant's December 21, 2009, document contains documents that were not filed in the district court, we have not considered those documents in resolving this appeal. See Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 635 P.2d 276 (1981).