

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN EDWARD BROZ,
Appellant,
vs.
VICTORIA ANN SINS BROZ,
Respondent.

No. 55215

FILED

SEP 15 2011

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

ORDER AFFIRMING IN PART,
REVERSING IN PART AND REMANDING

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

On appeal, appellant first argues that the district court should have treated the parties' marital residence partly as appellant's separate property and partly as community property because appellant owned the property for four years prior to the parties' marriage. The district court concluded that the parties intended to transmute the residence entirely to community property based on trial testimony, however, and appellant failed to submit the trial transcripts to this court. Thus, we presume that the trial transcripts support the district court's conclusion regarding the community property nature of the residence. See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (explaining that this court presumes that evidence not presented to this court by the party with the burden of proof supports the district court's judgment). As

a result, we affirm the portion of the divorce decree finding the residence to be community property and dividing it accordingly.

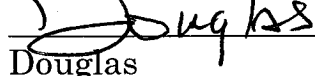
Appellant also argues that the district court abused its discretion by assigning a negative value to other real property awarded to respondent. The district court did not abuse its discretion by considering the debt owed on that property when determining its value. See Shydler v. Shydler, 114 Nev. 192, 196, 954 P.2d 37, 39 (1998) (explaining that this court reviews a district court's decision regarding divorce proceedings for an abuse of discretion); Johnson v. Johnson, 76 Nev. 318, 324, 353 P.2d 449, 452 (1960) (recognizing that the district court must consider community property indebtedness in determining the value of community property assets). Thus, we affirm the portion of the decree regarding the value and division of the real property at issue on appeal.


The district court did, however, abuse its discretion by finding that the vehicle awarded to appellant was a zero-value asset, rather than assigning the vehicle a negative value, based on the value of the vehicle offset by the debt owed on it, as the court did with the real property.¹ See Johnson, 76 Nev. at 324, 353 P.2d at 452. Accordingly, we reverse the portion of the divorce decree finding appellant's vehicle to be a zero-value asset, and we remand this matter to the district court for a recalculation of

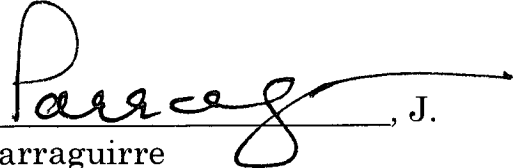
¹At this court's direction, respondent filed a response addressing this issue, in which she conceded that the district court abused its discretion in this regard.

the value of the vehicle and the resulting equalization payment to be made by appellant.²

It is so ORDERED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. William B. Gonzalez, District Judge, Family Court Division
M. Nelson Segel, Settlement Judge
John Edward Broz
Black & LoBello
Eighth District Court Clerk

²Because it appears that appellant will still owe an equalization payment to respondent upon recalculation of the value of the vehicle, we conclude that appellant's argument regarding attorney fees lacks merit. NRS 18.010. Additionally, we decline to reverse the portion of the divorce decree ordering appellant to pay respondent a nominal spousal support payment. See Shydler, 114 Nev. at 196, 954 P.2d at 39.