

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERI M. KING,
Appellant/Cross-Respondent,
vs.
TEDD ANTHONY MILLER,
Respondent/Cross-Appellant.

No. 55936

FILED

SEP 13 2012

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

ORDER OF AFFIRMANCE

This is an appeal from a district court divorce decree.¹ Eighth Judicial District Court, Family Court Division, Clark County; William B. Gonzalez, Judge.

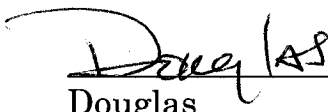
On appeal, appellant contends that the district court abused its discretion when it determined that money contributed by respondent to pay off the mortgage on a home that appellant owned before the parties' marriage was respondent's separate property and that stock purchased during the marriage with respondent's separate property funds are also respondent's separate property. Appellant also argues that this court should modify the divorce decree because the home's value decreased after the district court entered the decree, and respondent refused to accept a check when appellant attempted to refinance the property and satisfy the amounts awarded to respondent. Respondent counters that the court did not abuse its discretion and that substantial evidence supports the district court's decision. Respondent also argues that appellant failed to raise arguments regarding the current value of the home and his refusal to

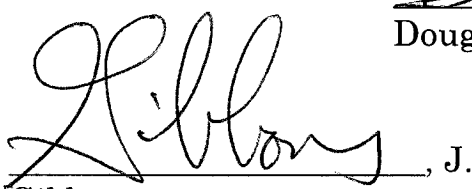
¹Respondent's cross-appeal was previously dismissed by this court's February 10, 2011, order.

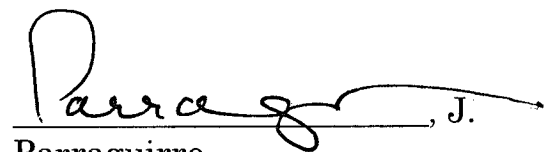
accept the check in the district court and appellant should be precluded from raising them for the first time on appeal.

Having reviewed the parties' briefs and the documents before this court, we conclude that appellant's arguments do not warrant reversal of the district court's judgment. Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000) (explaining that a district court's factual findings will be upheld if supported by substantial evidence in the record); 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); see NRS 123.130 (providing that all property owned by either spouse before marriage is separate property). As to the arguments raised by appellant for the first time on appeal, it is well established that this court will not consider arguments raised for the first time on appeal. Diamond Enters., Inc. v. Lau, 113 Nev. 1376, 1378, 951 P.2d 73, 74 (1997). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

²We conclude that all other arguments made by appellant lack merit, and therefore, do not warrant reversal.

cc: Hon. William B. Gonzalez, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Cannon & Tannery
Smith & Taylor
Eighth District Court Clerk