

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW S. CARTER,
Appellant,
vs.
TIMBER T. CARTER N/K/A TIMBER
TLOWLE GREEN,
Respondent.

No. 56629

FILED

JUL 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Anderson
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court post-decree order modifying appellant's child support obligation. Eighth Judicial District Court, Family Court Division, Clark County; Robert Teuton, Judge.

On appeal, appellant contends that the district court abused its discretion when it modified his support obligation and made that modification retroactive to November 2009. The district court record reveals, however, that in the parties' joint petition, appellant represented that his gross monthly income was \$4,000. In opposing respondent's motion to set aside the portion of the divorce decree regarding child support, appellant indicated that his gross monthly income was \$4,887, and confirmed that this amount had not changed. On appeal, appellant concedes that his gross monthly income never changed.

Having reviewed the parties' appellate arguments and the district court record, we conclude that the district court did not abuse its discretion when it modified appellant's child support obligation and when it made that modification retroactive to November 2009. See Wallace v.

Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (recognizing that child support awards will not be disturbed absent an abuse of discretion); NRCP 60(b)(3) (allowing a district court to set aside a judgment upon a showing that an adverse party made misrepresentations); Cook v. Cook, 112 Nev. 179, 183, 912 P.2d 264, 266 (1996) (recognizing a fiduciary relationship between spouses); cf. Parkinson v. Parkinson, 106 Nev. 481, 796 P.2d 229 (1990) (recognizing that equitable defenses may be asserted to enforce or modify a child support order), abrogated on other grounds by Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213 (2009); In re Marriage of Economou, 274 Cal. Rptr. 473, 480 (Ct. App. 1990) (holding that “where special circumstances exist rendering it unjust to enforce the stipulation,” a court has the power to set aside a fraudulently induced stipulation) (internal quotations omitted). Because the district court record demonstrates that the district court did not abuse its discretion in modifying appellant’s child support obligation and in making that modification retroactive to November 2009, we

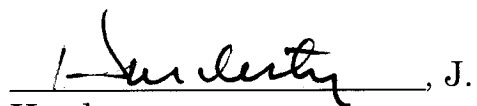
ORDER the judgment of the district court AFFIRMED.



Saitta


Douglas

, C.J.



Hardesty

cc: Hon. Robert Teuton, District Judge, Family Court Division
Matthew S. Carter
Jeffrey Ian Shaner, Ltd.
Eighth District Court Clerk