IN THE SUPREME COURT OF THE STATE OF NEVADA

JEAN A. KHOURY,

Appellant,

vs.

LOUISE KHOURY,

Respondent.

No. 35488

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant's request for a downward modification in spousal support. We conclude that the district court did not abuse its discretion in denying appellant's request, and we therefore affirm the district court's order.

Appellant Jean A. Khoury and respondent Louise Khoury were divorced in 1995, after a twelve-year marriage that produced no children. The divorce decree ordered Jean to pay spousal support to Louise in the amount of $400.00 per month, until the death of either party. Jean did not appeal from the final decree.

In 1999, Jean filed a motion with the district court to reduce and terminate his spousal support obligation based on "changed circumstances." The district court denied Jean's motion, and Jean subsequently appealed.

We conclude that the district court did not abuse its discretion in denying Jean's motion on the ground that there was no evidence of changed circumstances.

The decision of a district court concerning the amount of alimony to award is within its sound discretion.[1]

[1]Sprenger v. Sprenger, 110 Nev. 855, 859, 878 P.2d 284, 287 (1994).

This court reviews a district court's ruling on a motion to modify spousal support for an abuse of discretion.[2]

The district 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."[3] There are two types of alimony. The first type is that which a court may award in order to satisfy the demands of justice and equity.[4] The second type of alimony is rehabilitative alimony designed to provide necessary training or education "relating to a job, career or profession."[5]

Modifications of a divorce decree are governed by NRS 125.150(7), which reads, in pertinent part:

> If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances . . . .

(Emphasis added.)

In addition, NRS 125.150(9)(b) reiterates that the district court may modify spousal support payments only upon a showing of changed circumstances.

We conclude that the district court properly determined that Jean failed to allege any change of circumstances in his motion to modify the decree of divorce. Each of the factors Jean cited either existed when the

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[2]See Gilman v. Gilman, 114 Nev. 416, 422, 956 P.2d 761, 764 (1998).

[3]NRS 125.150(1)(a).

[4]See Gardner v. Gardner, 110 Nev. 1053, 1057, 881 P.2d 645, 647 (1994).

[5]NRS 125.150(8).

original decree was entered or was irrelevant to a changed circumstances analysis. It should also be pointed out that Jean's financial picture may arguably have improved because he has discharged several of his debts in bankruptcy. In fact, debt reduction due to a discharge in bankruptcy may be grounds for an upward modification of spousal support.[6]

Because Jean failed to demonstrate a change of circumstances, the district court did not abuse its discretion in denying his motion for modification.[7] We, therefore,

ORDER the judgment of the district court AFFIRMED.

Young, J.
Young

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Steven E. Jones, District Judge,
Family Court Division
Alan R. Johns
Kunin, Burton & Ochoa
Clark County Clerk

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[6]See Siragusa v. Siragusa, 108 Nev. 987, 843 P.2d 807 (1992).

[7]Louise requests that we sanction Jean for his failure to comply with the rules of appellate procedure. First, she argues that Jean's failure to provide a transcript of the October 18, 1999, hearing is a violation of NRAP 9(b)(1). Second, she argues that Jean has failed to cite to the record appropriately as required by NRAP 28(e). Finding these contentions to be without merit, we decline to impose sanctions.