

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNN WELLS,
Appellant,
vs.
ERIC WELLS,
Respondent.

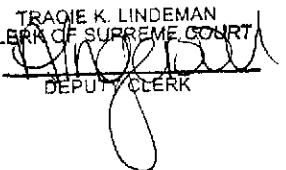
No. 58522

LYNN WELLS,
Appellant,
vs.
ERIC WELLS,
Respondent.

No. 60322

FILED

JAN 31 2014

TRAOIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER AFFIRMING IN PART,
REVERSING IN PART, AND REMANDING*

These are consolidated proper person appeals from a district court divorce decree and post-judgment orders regarding property distribution. Eighth Judicial District Court, Family Court Division, Clark County; Kenneth E. Pollock, Judge.

In the divorce decree, each party was awarded an equal interest in the community bank accounts and ordered to sell any additional vehicles, other than their personal vehicles, with any proceeds from those sales to be divided equally between the parties. Appellant filed a post-judgment motion to modify and enforce the divorce decree concerning various accounts and vehicles. In a February 16, 2012, order, the district court awarded appellant an equal share in two bank accounts that the court was not unaware of at the time that the divorce decree was entered. The district court denied appellant's request for an interest in a Pay Pal account and an additional car because appellant was unable to

prove that these items had any value. Further, the district court denied appellant's request for an interest in a boat because the divorce decree did not specifically address the boat. These appeals followed.

Having reviewed the parties' briefs and the record on appeal, we conclude that the district court did not abuse its discretion in denying appellant's request for an interest in the Pay Pal account when there was no evidence of its value. *See Wolff v. Wolff*, 112 Nev. 1355, 1359, 929 P.2d 916, 918-19 (1996) (providing that this court reviews a division of community property for an abuse of discretion); *Williams v. Williams*, 120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004) (explaining that there is no abuse of discretion if the district court's factual determinations are supported by substantial evidence); *see also Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996) (providing that this court reviews the denial of an NRCP 60(b) motion for an abuse of discretion). Contrary to appellant's assertion, the district court did not conclude that appellant did not have an interest in the Pay Pal account, but merely found that appellant was unable to prove its value. Thus, there was no abuse of discretion. Accordingly, we affirm the portion of the district court's February 16, 2012, order concerning the Pay Pal account.

The district court, however, abused its discretion in failing to enforce the divorce decree concerning the additional car and the boat. *See Wolff*, 112 Nev. at 1359, 929 P.2d at 918-19; *Williams*, 120 Nev. at 566, 97 P.3d at 1129. The record demonstrates that appellant had disclosed the boat and the additional car as assets before the divorce trial. While the district court did not specifically identify either vehicle in the divorce decree, it did order that any additional vehicles be sold and the proceeds from those sales split evenly between the parties. Despite this specific

provision, neither vehicle had been sold. Thus, appellant did not have to show the value of either the boat or the additional vehicle for the district court to enforce the divorce decree. Accordingly, we reverse the portion of the district court's February 16, 2012, order that denied appellant's request for an interest in the boat and the additional vehicle, and we remand this matter to the district court for proceedings consistent with this order.

It is so ORDERED.¹

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Kenneth E. Pollock, District Judge
Lynn E. Wells
Eric Wells
Eighth District Court Clerk

¹We conclude that appellant's additional arguments are without merit and we deny any relief requested in the proper person documents submitted to this court, except as provided in this order.