

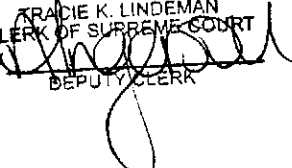
IN THE SUPREME COURT OF THE STATE OF NEVADA

PEGGIE A. YACEK N/K/A MARGARET
(PEGGIE) WILLIAMS,
Appellant,
vs.
ANDREW YACEK, JR.,
Respondent.

No. 61109

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying an NRCP 60(b) motion concerning retirement benefits. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

Under the parties' 1992 divorce decree, respondent was awarded a one-half interest in the retirement benefits appellant had earned during the marriage. In 2010, six years after appellant retired, the district court entered an approved qualified domestic relations order (QDRO) controlling the distribution of respondent's share of appellant's retirement benefits. To account for the six years that respondent had not received his share of the retirement benefits, the QDRO awarded respondent a larger percentage of benefits. Thereafter, appellant filed a motion to correct the order. During the hearing, the court determined that appellant owed respondent his missed share of the retirement benefits and because neither party had a life expectancy over 20 years, appellant could pay respondent that amount by allowing him to have an even larger percentage of the retirement benefits until respondent recouped his missed benefits. The parties agreed on the record that respondent would receive 23 percent of the benefits until that time. Thereafter, appellant

filed a motion for relief under NRCP 60(b) in which she argued that she was overwhelmed at the hearing and that the issue should be revisited once she retained legal counsel. The district court denied the motion. This appeal followed.

Having considered the civil proper person appeal statement and the record on appeal, we concluded that the district court did not abuse its discretion in concluding that appellant's lack of counsel, or any surprise that resulted from respondent's legal representation at the hearing, did not warrant NRCP 60(b) relief. *See Cook v. Cook*, 112 Nev. 179, 182, 912 P.2d 264, 265 (1996) (explaining that this court will not overturn a district court's determination in regard to an NRCP 60(b) motion absent an abuse of discretion); *see also Smith v. Smith*, 102 Nev. 110, 111-12, 716 P.2d 229, 230 (1986) (recognizing that this court will uphold the decision of the district court granting or denying an NRCP 60(b) motion if there is substantial evidence in the record to support the decision). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

¹We conclude appellant's additional arguments lack merit.

cc: Hon. Vincent Ochoa, District Judge
Peggie A. Yacek
Page Law Office
Eighth District Court Clerk