

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRISTO ALFONSO FORERO,
Appellant,
vs.
DELFA L. FORERO,
Respondent.

No. 69664

FILED

NOV 22 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to modify a divorce decree. First Judicial District Court, Carson City; James E. Wilson, Judge.

In his motion to modify the divorce decree, appellant requested that an equalizing payment he owed to respondent be vacated and that he be awarded the home that was awarded to respondent in the divorce decree. The district court denied these requests and appellant now appeals that decision.

Although the district court order does not specify the basis for its denial of appellant's motion to modify the divorce decree, we conclude that the denial was proper. In this case, because the court did not retain continuing jurisdiction over the parties' property, NRCP 60(b) governed appellant's motion to modify the property rights established by the divorce decree. *Kramer v. Kramer*, 96 Nev. 759, 762, 616 P.2d 395, 397 (1980) (explaining that NRCP 60(b) governs motions to modify property distributions in divorce decrees when the court does not retain continuing jurisdiction). And because appellant did not file the motion to modify at issue in this appeal within six months, the district court properly denied it. See NRCP 60(b) (providing that requests for relief from judgment




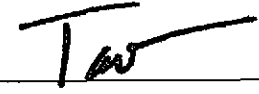
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based on newly discovered evidence or fraud must be filed within six months of the notice of entry of the order being challenged); *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996) (providing that a district court's decision regarding an NRCP 60(b) motion will not be set aside absent an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James E. Wilson, District Judge
Cristo Alfonso Forero
Delfa L. Forero
Carson City Clerk

¹To the extent appellant presents arguments that the original division of assets under the divorce decree was not just or equitable, the Nevada Supreme Court already affirmed the decree in a prior appeal, *see Forero v. Forero*, Docket No. 61040 (Order of Affirmance, May 15, 2013), and we are bound by that decision. *See Dictor v. Creative Mgmt. Servs., LLC*, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010) (providing that lower courts are bound by decisions made by higher courts in subsequent proceedings of the same case). We further deny any other requests for appellate relief presented as part of this appeal.