

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN STUTZMAN,
Appellant,
vs.
BEVERLY STUTZMAN,
Respondent.

No. 71275

FILED

JUN 09 2017

ELIZABETH A. CROWN
CLERK OF SUPERIOR COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Stutzman appeals from a qualified domestic relations order. Eighth Judicial District Court, Family Court Division, Clark County; Sandra L. Pomrenze, Judge.

John and Beverly Stutzman were divorced in Arizona. An Arizona court issued the parties' divorce decree, which incorporated the parties' agreement regarding the division of their community property. Subsequently, Beverly asked the Arizona court to approve a Qualified Domestic Relations Order (QDRO) to divide John's Public Employees' Retirement System of Nevada (PERS) account pursuant to the decree. The Arizona court responded that while it could not sign or enter a QDRO for the PERS account, it could determine whether Beverly's submitted QDRO met the parties' intentions. In its order clarifying the decree's terms regarding the PERS account, the court found that the QDRO's provisions met the parties' intentions with the exception of the Option 3 survivor benefit provision. The order states that the court would have approved the QDRO but for the inclusion of that provision.

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Seven days after the clarifying order was filed, John attempted to have a different QDRO signed in Nevada. Beverly opposed John's motion and submitted a proposed QDRO that contained the PERS division that would have been approved by the Arizona Superior Court had that QDRO not included Option 3. The district court declined to sign John's proposed QDRO, and instead accepted the QDRO Beverly submitted as it would be "easier" for PERS to administer it.¹ This appeal followed.

While the district court erred in its reasoning, the QDRO was nonetheless proper as it was consistent with the divorce decree and the order clarifying the decree entered by the Arizona court. See *Rosenstein v. Steele*, 103 Nev. 571, 573, 747 P.2d 230, 231 (1987) ("The full faith and credit clause of the United States Constitution requires that a final judgment entered in a sister state must be respected by the courts of this state absent a showing of fraud, lack of due process or lack of jurisdiction in the rendering state."); NRS 286.6703; see also *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) ("This court will affirm a district court's order

¹We do not recount the facts except as necessary to our disposition.

if the district court reached the correct result, even if for the wrong reason.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

²We have also considered appellant’s argument that NRS 286.6703 divested the Arizona court of jurisdiction to divide the PERS account and conclude it is without merit. See Ariz. Rev. Stat. § 25-318 (2008) (providing that in divorce proceedings an Arizona court “shall divide the community,” and “property acquired by either spouse *outside this state* shall be deemed to be community property if the property would have been community property if acquired in this state” (emphasis added)); see also NRS 125.020(2) (stating that no Nevada court has jurisdiction to grant a divorce unless either party has been a resident of the State for at least 6 weeks). We have considered appellant’s other arguments and find them unpersuasive.

cc: Hon. Sandra L. Pomrenze, District Judge, Family Court
Division
Lansford W. Levitt, Settlement Judge
Raymond S. Dietrich, Limited
Willick Law Group
Eighth District Court Clerk