

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY SCOTT STEVENS,  
Appellant,  
vs.  
THERESA STEVENS,  
Respondent.

No. 73403

**FILED**

OCT 25 2018

ELIZASETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

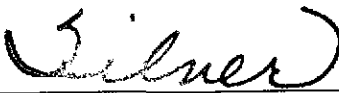
Jeffrey Scott Stevens appeals a district court decree of divorce. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.


In the proceedings below, respondent Theresa Stevens filed a complaint for divorce and a default was entered after Jeffrey failed to file an answer to her complaint. Following a prove-up hearing, the district court entered a default decree of divorce. This appeal followed.

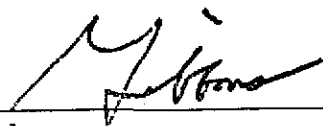
On appeal, Jeffrey asserts that he responded to the complaint in a timely manner and was never informed of the prove-up hearing, and he was therefore unable to attend the prove-up hearing or defend himself in the action. However, based on this court's review of the record, it does not appear that Jeffrey raised these arguments in the district court through a motion for relief from the default decree of divorce prior to filing his appeal from the divorce decree. As a result the arguments are not properly before us on appeal, and we therefore do not consider them. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981). Under these circumstances, we necessarily affirm the district court divorce decree.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Robert W. Lane, District Judge  
Jeffrey Scott Stevens  
JK Nelson Law LLC  
Nye County Clerk

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<sup>1</sup>It appears Jeffrey did file a motion to set aside the decree, albeit after he filed the instant appeal. While the record does not indicate the district court's resolution of this filing, we note that nothing in this order should be construed as precluding Jeffrey from seeking relief from the default divorce decree based on the arguments presented here in accordance with any applicable statute or court rule.