IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GARI LEETZOW,
Appellant,
vs.
STEPHEN LEETZOW,
Respondent.

No. 67776

FILED

JUL 28 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court divorce decree. First Judicial District Court, Carson City; James Todd Russell, Judge.

In the divorce decree, the district court awarded respondent all of the parties' assets and debts, except for a car, which respondent was to pay off and transfer debt free to appellant. Appellant argues on appeal that the district court's decision resulted in an improper unequal distribution of the parties' property. *See* NRS 125.150(1)(b) (providing that the court "[s]hall, to the extent practicable, make an equal disposition of the community property of the parties" unless the court "finds a compelling reason to [make an unequal disposition] and sets forth in writing the reasons for making the unequal disposition"). In particular, appellant argues the district court should have divided the parties' business and either awarded her a 50 percent interest in the business or required respondent to pay her the value of her share. Respondent contends that the district court's distribution was proper and that if any inequality existed in the division, it was in appellant's favor.

While appellant asked the court to compensate her for her share of the business, her testimony in the record supports the district court's conclusion that she did not wish to own or operate any part of the business. *See Barry v. Lindner*, 119 Nev. 661, 670, 81 P.3d 537, 543 (2003) (explaining that a district court's findings of fact will be upheld if they are supported by substantial evidence). As a result, the court awarded respondent the entire business, but also assigned all of the parties' debt to respondent to compensate appellant for her share of the business.

To dispute that the assignment of the debt to respondent adequately compensated her for her share of the business, appellant argues that much of the debt was respondent's separate debt, for which appellant would not have been responsible. But the only debt appellant specifies in this regard is debt associated with a piece of real property located in Hawthorne, Nevada, which appellant asserts the court improperly treated as community property, resulting in the associated debt being treated as a community liability. The district court's order specifically states, however, that the Hawthorne property was respondent's separate property, to which no value was assigned. Thus, this argument lacks merit.[1]

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[1]Additionally, appellant states that the district court improperly included in its calculation of the parties' debt the amount owed on the parties' marital residence in excess of its fair market value, but she does not assert that this was respondent's separate property, otherwise explain why inclusion of this debt was improper, or cite any authority in support of this statement. Because appellant has not supported this point with relevant authority or cogent argument, we decline to consider it. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006).

Appellant also seeks to challenge the inclusion of certain debts as community liabilities by asserting that the parties had not made payments on a number of their debts in several years before the divorce, implying that the debts should not have been included in the calculation because respondent would not ever actually pay them. Nevertheless, the record demonstrates that the debts existed and were outstanding. Under these circumstances, we conclude substantial evidence supports the district court's decision to include the subject debts in the divorce decree's property division. *See id.*; *see also Wolff v. Wolff*, 112 Nev. 1355, 1359, 929 P.2d 916, 918-19 (1996) (providing that the disposition of community property is in the discretion of the trial court).

Appellant next argues the district court improperly failed to find that she had a community property interest in the Radlites business, which was awarded to respondent as his separate property. As the court pointed out during the trial, however, no testimony or evidence was presented with regard to the value of the Radlites business or any increase in the value of that business during the marriage. Because no evidence was presented to demonstrate an increase in value of the business during the marriage, the district court did not abuse its discretion by declining to find that appellant had a community property interest in Radlites. *See Devries v. Gallio*, 128 Nev. 706, 710, 290 P.3d 260, 263 (2012) (explaining that "the court may apportion any increase in value of [a] separate property business between the separate property and community property estates" in a divorce proceeding); *Wolff*, 112 Nev. at 1359, 929 P.2d at 918-19. Thus, because appellant has not identified any basis for reversing, we

affirm the district court's divorce decree.

It is so ORDERED.[2]

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

cc: Hon. James Todd Russell, District Judge
Shawn B. Meador, Settlement Judge
Jonathan H. King
Allison W. Joffee
Carson City Clerk

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[2]Appellant also asserts that the district court abused its discretion by failing to award her alimony or attorney fees. Because appellant has not supported these points with relevant authority or cogent argument, we decline to consider them. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.