

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM CHRISTOPHER LACOST,  
Appellant,  
vs.  
CHANDRA LYNN LACOST,  
Respondent.

No. 74873-COA

**FILED**

**AUG 14 2019**

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

*ORDER OF REVERSAL AND REMAND*

William Christopher LaCost appeals from a decree of divorce. Eighth Judicial District Court, Family Court Division, Clark County; Rebecca Burton, Judge.

In the proceedings below, the parties were divorced by way of a decree of divorce entered after trial. As relevant here, the decree awards respondent Chandra LaCost \$4,750.00 as an equalization payment based on William receiving approximately \$19,000.00 from his employer. The district court found that William spent \$10,000.00 of the \$19,000.00 on community debt and that \$9,000.00 remained. However, the district court also found that the \$19,000.00 payment from William's employer was paid to William in error and William was required to repay the money. Despite finding that the \$19,000.00 was a community debt, the decree of divorce orders William to pay Chandra \$4,750 as her one-half interest in the remaining \$9,000.00. This appeal followed.

On appeal, William asserts that this award was an abuse of discretion because the money received from his employer is a debt that must be repaid, rather than an asset, such that Chandra should not have been awarded any portion. In her response, Chandra agrees that the \$4,750.00 was awarded in error and should be stricken from the decree.

This court reviews the district court's decisions in divorce proceedings for an abuse of discretion. *Williams v. Williams*, 120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004). This court will not disturb a district court's decision that is supported by substantial evidence. *Id.* Substantial evidence is that which a reasonable person may accept as adequate to sustain a judgment. *Id.* Based on our review of the record and given that the parties agree the award was improper, we conclude that the district court abused its discretion in awarding Chandra \$4,750.00 as an equalization payment.<sup>1</sup>

Accordingly, we

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<sup>1</sup>We note that, after perfecting this appeal, William filed a post-trial motion for remand and modification in the district court. Following a hearing on the motion, the district court acknowledged its award was improper and certified its intent to correct the decree upon a remand from this court. However, because William failed to follow the proper procedure for obtaining a remand from this court pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 80-81, 575 P.2d 585, 586 (1978), as clarified by *Foster v. Dingwall*, 126 Nev. 49, 52-53, 228 P.3d 453, 455-56 (2010), we resolve this appeal on the merits.

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.<sup>2</sup>

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Rebecca Burton, District Judge, Family Court Division  
Serrano Law Group, PLLC  
Chandra Lynn LaCost  
Eighth District Court Clerk

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<sup>2</sup>Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.