

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHY A. REEVE, F/K/A KATHY A.
VICKS,
Appellant/Cross-Respondent,
vs.
STEVEN L. VICKS,
Respondent/Cross-Appellant.

No. 37481

FILED

SEP 05 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal and cross-appeal from a final annulment decree. Appellant Kathy Reeve, formerly Kathy Vicks, challenges the district court's annulment decree on various grounds. On cross-appeal, respondent Steven Vicks challenges the district court's division of certain stocks. We conclude that all of Reeve's contentions on appeal and Vicks' contention on cross-appeal lack merit, and we therefore affirm the district court's annulment decree.

First, Reeve contends that the district court erroneously granted Vicks an annulment based on fraud. We disagree. After a thorough review of the record on appeal, we conclude that the district court's fraud-based annulment decree is supported by substantial evidence.¹

Second, Reeve contends that the district court erroneously divided the disputed property unequally. On cross-appeal, Vicks argues that the district court erred in awarding Reeve a one-half interest in

¹See McNee v. McNee, 49 Nev. 90, 93, 237 P. 534, 535 (1925) (upholding a district court's decree of annulment if it is supported by substantial evidence).

certain stocks. We conclude that the district court did not abuse its discretion in its disposition of the property.²

Reeve next contends that the district court abused its discretion in requiring her to reimburse Vicks for interim spousal support and attorney and accountant fees. We disagree and conclude that the district court did not abuse its discretion in this regard.³

Next, Reeve challenges the district court's decision to admit her diary into evidence. We conclude that the admission of Reeve's diary was not manifestly wrong.⁴

Finally, Reeve contends that the district court erroneously failed to rule on her conversion claim. Reeve admits that she failed to press her conversion claim at trial and that she did not file a post-trial motion regarding the conversion claim. Thus, we decline to consider her contention on appeal.⁵

²See Shane v. Shane, 84 Nev. 20, 22, 435 P.2d 753, 755 (1968) (reviewing a district court's division of property under an abuse-of-discretion standard).

³See Sargeant v. Sargeant, 88 Nev. 223, 227, 495 P.2d 618, 621 (1972) (reviewing a district court's order granting interim spousal support and interim court cost for abuse of discretion).

⁴See Petty v. State, 116 Nev. 321, 325, 997 P.2d 800, 802 (2000) (refusing to disturb the district court's evidentiary determination on appeal unless manifestly wrong).

⁵See Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52-53, 623 P.3d 981, 983-84 (1981) (concluding that an issue not urged in the trial court will not be considered on appeal).

Finally, Vicks requests attorney fees and costs for responding to this appeal. We refuse to grant Vicks' request because Reeve's appeal is not so frivolous that it warrants sanctions.⁶

Having considered the parties' arguments and concluding that they lack merit, we

ORDER the judgment of the district court AFFIRMED.

Maupin, C.J.
Maupin

Young, J.
Young

Shearing, J.
Shearing

Agosti, J.
Agosti

Rose, J.
Rose

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Scott Jordan, District Judge, Family Court Division
Richard F. Cornell
Ronald J. Logar
Washoe District Court Clerk

⁶See Bd. of Gallery of History v. Datecs Corp., 116 Nev. 286, 288, 994 P.2d 1149, 1150 (2000) (noting that NRAP 38(b) authorizes this court to award attorney fees "if it determines that the appeals process has been misused").