

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAUREEN L. GRETERMAN,  
Appellant,  
vs.  
GALE GRETERMAN,  
Respondent.

No. 37506

**FILED**

AUG 21 2002

ORDER OF AFFIRMANCE

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

This is an appeal of a district court order denying Maureen Greterman, a portion of her former spouse's premarital pension. NRS 123.130 provides, in pertinent part, that property owned before marriage remains the parties' sole and separate property.

Maureen contends that the district court erred in finding that it lacked authority to award her a portion of the premarital pension since it was Gale Greterman's separate property. Maureen further contends that the district court erred in denying her a portion of the premarital pension. We disagree.

NRS 123.060 provides that "[e]xcept as mentioned in NRS 123.070, neither husband nor wife has any interest in the property of the other." NRS 125.150(4) specifically grants the court authority to reach either party's separate assets, as deemed just and equitable, for the support of the other spouse or their children. We have previously recognized that the power of the district court to award separate property is limited to the amount necessary for support.<sup>1</sup> The amount of such an award is within the trial court's discretion.<sup>2</sup> Absent an abuse of discretion,

<sup>1</sup>Dimick v. Dimick, 112 Nev. 402, 407, 915 P.2d 254, 257 (1996).

<sup>2</sup>See Smith v. Smith, 94 Nev. 249, 252, 578 P.2d 319, 320 (1978).

the district court's decision as to the amount of a spouse's separate property that is awarded for the support of the other spouse, or children, will not be disturbed.<sup>3</sup>

The Greterman divorce decree provided that the pension was to be divided "on a 50/50 basis as of the value determined on February 18, 1994." Maureen contends that this provision entitled her to half of the total pension value as of that date while Gale contends that it entitled her only to half of the community property interest in the pension. Maureen claims that by denying her fifty percent of Gale's premarital portion, the district court impermissibly modified the divorce decree. In considering Maureen's post-divorce motion, the district court found that the decree was ambiguous and did not clearly demonstrate an intent to divide Gale's separate property. The record does not reflect that Maureen provided any evidence that she bargained for a portion of the premarital pension or that the division in the decree was for anything more than the marital portion of the pension.

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<sup>3</sup>Id.

We conclude that the district court had the power to reach Gale's sole and separate property to the extent it deemed necessary for Maureen and the children's support. However, we also conclude that the district court acted within its discretion in declining to exercise its authority to reach into Gale's separate property. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Young, J.  
Young

Agosti, J.  
Agosti

Leavitt, J.  
Leavitt

cc: Hon. Robert W. Lueck, District Judge, Family Court Division  
Michael R. Pontoni  
Jolley Urga Wirth & Woodbury  
Clark County Clerk