

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LIGIA M. REMBOLD,
Appellant,
vs.
FRED WILLIAM REMBOLD,
Respondent.

No. 82169-COA

FILED

NOV 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ligia M. Rembold appeals from a district court divorce decree. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

During the underlying proceeding, the parties were divorced by way of a decree of divorce entered after trial. Although the decree confirmed certain property as respondent Fred William Rembold's separate property, it provided for an equal distribution of most of the parties' community property following the sale of the parties' marital residence and satisfaction of the parties' community debts with the sale proceeds. The exception was a joint individual retirement account (IRA), which the district court awarded to Ligia, reasoning that an unequal distribution was appropriate because she had a low income and needed to move to facilitate the sale of the parties' marital residence. The decree also granted Ligia alimony, awarding her a \$95,000 lump sum, which was to be paid from Fred's separate property. This appeal followed.

This court reviews the district court's division of property and alimony awards for an abuse of discretion. *Schwartz v. Schwartz*, 126 Nev.

87, 90, 225 P.3d 1273, 1275 (2010). And this court will not disturb a district court's decision that is supported by substantial evidence. *Williams v. Williams*, 120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004). Substantial evidence is that which a reasonable person may accept as adequate to sustain a judgment. *Id.*

On appeal, Ligia initially challenges the district court's decisions by asserting that the parties reached an agreement during the underlying proceeding not to sell the marital residence. Because Ligia uses the pronoun "my" in referring to the marital residence, it is unclear whether her position is simply that the purported agreement allowed her to continue living in the property following the divorce or that the agreement designated the property as her separate property.¹ Nevertheless, Ligia has not established a basis for relief because the purported agreement is not set forth in a signed writing in the record and was not entered in the district court's minutes in the form of an order. *See Lehrer McGovern Bovis, Inc. v. Bullock Insulation, Inc.*, 124 Nev. 1102, 1118, 197 P.3d 1032, 1042 (2008) (providing that an agreement to settle is enforceable if it is in a signed writing or entered in the district court's minutes in the form of an order).

Ligia next asserts that Fred committed marital waste, dissipated community property, and committed domestic violence that left

¹Ligia also uses the pronoun "my" in discussing one of the parties' IRAs, but insofar as she thereby contends that the IRA was her separate property, we decline to consider the issue because it is not cogently argued. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that the appellate courts need not consider claims unsupported by cogent argument or relevant legal authority).

her permanently disabled. These assertions are potentially relevant, to varying extents, to the sufficiency of the share of the parties' community property that Ligia received and the award of alimony to her. *See Kogod v. Cioffi-Kogod*, 135 Nev. 64, 75, 439 P.3d 397, 406 (2019) (identifying dissipation and waste as possible compelling reasons for distributing community property unequally and explaining that alimony may be awarded to compensate for economic need or economic loss resulting from the marriage and subsequent divorce); *Rodriguez v. Rodriguez*, 116 Nev. 993, 998-99, 13 P.3d 415, 418-19 (2000) (recognizing that spousal abuse and marital misconduct may be a compelling reason for an unequal distribution of community property if it has an adverse economic impact, and reasoning that, for purposes of requests for alimony, the district court may consider the physical or mental condition resulting from such abuse or misconduct insofar as it relates to a party's "financial condition, health and ability to work").

Nevertheless, Ligia did not support any of her filings below with any documentation to show that Fred wasted or dissipated community property or that he committed acts of domestic abuse that rendered her permanently disabled. And although the parties may have testified with respect to these issues at trial, Ligia failed to request a copy of the trial transcript for this court's consideration. *See* NRAP 9(b) (providing that a pro se appellant has a duty to request transcripts in a civil appeal if any transcripts are required to support the appeal). Thus, we presume that the transcript would have supported the district court's decision with respect to these issues, *see Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598,

603, 172 P.3d 131, 135 (2007) (explaining that when the appellant fails to satisfy his or her burden of ensuring preparation of a proper appellate record, Nevada's appellate courts "necessarily presume that [any] missing [documents] support[] the district court's decision"), and therefore conclude that relief is unwarranted in this respect.

Lastly, Ligia argues more broadly that the community property and alimony that she was awarded in the divorce decree are insufficient to cover her living expenses. At the time of the divorce proceeding, Ligia and Fred were respectively 72 and 63, they were not employed, and they disputed how the district court should distribute their marital residence, Fred's pensions, an investment account, an annuity, and several IRAs. Because several of these assets were Fred's separate property, the district court concluded that the limited income that Ligia could realize from the community property portion of these assets and her social security benefit was a compelling reason to award her a larger share of the community property than Fred received. NRS 125.150(1)(b) (providing that while the district court must generally distribute community property equally between the parties to a divorce, "the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so"). Although the district court awarded Ligia a portion of the party's community property that was only modestly larger than the portion that Fred received, it also set apart \$95,000 of Fred's separate property as an alimony award, which was relatively substantial given the parties' assets. See NRS 125.150(1)(a), (5)

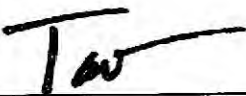
(authorizing the district court to set apart a portion of a spouse's separate property to provide the other spouse alimony as appears just and equitable).

This decision was based on the district court's consideration of essentially all of the factors set forth in NRS 125.150(9) insofar as they were relevant, including a thorough consideration of the parties' financial condition, which the court assessed by determining their potential future incomes based on certain of the assets awarded to them and, in Ligia's case, her social security benefit, and comparing those incomes to the federally recognized poverty threshold at the time of trial. *See Annual Update of the HHS Poverty Guidelines*, 85 Fed. Reg. 3060 (January 17, 2020) (providing that in 2020, the poverty threshold for an individual was an annual income of \$12,760, which equates to \$1,063.33 per month). Ligia does not challenge the district court's calculation of the parties' potential future income. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived). Nor does Ligia argue or explain why her potential future income based on the amounts awarded, along with the additional assets that the district court awarded her, including half the proceeds from the sale of the parties' marital residence, were insufficient to meet her financial needs or to compensate her for any economic loss resulting from the marriage and subsequent divorce. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *Kogod*, 135 Nev. at 72, 439 P.3d at 404 (explaining that the purpose of alimony is not to equalize the spouse's incomes, but instead, to satisfy a spouse's economic needs or to compensate the spouse for economic loss resulting from the marriage and subsequent divorce).

Thus, in light of the foregoing and given that Ligia has not provided this court with a copy of the trial transcript to aid our consideration of these issues, *Cuzze*, 123 Nev. at 603, 172 P.3d at 135, we conclude that Ligia failed to demonstrate that the district court abused its discretion in dividing the parties' property and awarding her alimony. See *Schwartz*, 126 Nev. at 90, 225 P.3d at 1275. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Thomas W. Gregory, District Judge
Ligia M. Rembold
Peter B. Jaquette
Douglas County Clerk

²Insofar as Ligia raised 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.