

IN THE SUPREME COURT OF THE STATE OF NEVADA

HECTOR A. VALERIO,

No. 38305

Appellant,

vs.

MARIA T. VALERIO,

Respondent.

FILED

OCT 11 2001

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a final decree of divorce that awarded spousal support and arrears, divided community assets and debts, and awarded attorney fees.

The district court has wide discretion in determining whether to grant alimony, and this court will not disturb the district court's award of alimony absent an abuse of discretion.¹ The court "[m]ay award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable."² In addition, it is well settled that alimony payments, once accrued, become vested rights and thereafter cannot be modified or voided.³

In granting a divorce, the district court is required, as much as practicable, to make an equal distribution of community property.⁴ This court has previously noted that it will not interfere with the disposition of the community property of the parties, unless it appears from the entire record that the district court abused its discretion.⁵ Finally, with regard

¹See Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 916 (1996) (holding that an award of spousal support will not be disturbed on appeal unless it appears from the record that the district court abused its discretion).

²NRS 125.150(1)(a).

³See Day v. Day, 82 Nev. 317, 320-21, 417 P.2d 914, 916 (1966); see also Khaldy v. Khaldy, 111 Nev. 374, 377, 892 P.2d 584, 586 (1995) (noting that accrued payments become vested rights and cannot thereafter be modified or voided).


⁴See NRS 125.150(1)(b).

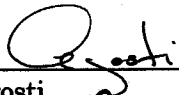
⁵See Heim v. Heim, 104 Nev. 604, 607, 763 P.2d 678, 679 (1988), superseded on other grounds as stated by Rodriguez v. Rodriguez, 116 Nev. ___, 13 P.3d 415 (2000).

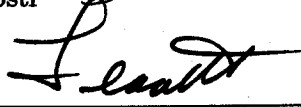
to the award of attorney fees, it is within the sound discretion of the district court to award attorney fees.⁶

Having reviewed the record, we conclude that the district court did not abuse its discretion when it awarded spousal support and arrears, divided the community assets and debts, and ordered appellant to pay respondent's attorney fees. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁷


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Robert W. Lueck, District Judge,
Family Court Division
Gloria M. Navarro
Hector A. Valerio
Clark County Clerk

⁶See Sprenger v. Sprenger, 110 Nev. 855, 878 P.2d 284 (1994) (concluding that an award of attorney fees in divorce proceedings lies within the sound discretion of the district court).

⁷Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant. We deny appellant's August 16, 2001 request for transcripts.