

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRELL AVALON LANCASTER,
Appellant,
vs.
KENITA LAMAR BAUERLE AND
CLARK COUNTY DISTRICT
ATTORNEY FAMILY SUPPORT
DIVISION,
Respondents.

No. 91372-COA

ORDER OF AFFIRMANCE

Terrell Avalon Lancaster appeals from a district court order affirming and adopting a hearing master's recommendation to deny his motion to set aside a child support order. Eighth Judicial District Court, Clark County; Adriana R. White, Judge.

The underlying case arises from the initiation of proceedings by the Clark County District Attorney's Family Support Division (DAFS) to compel Lancaster to pay child support to respondent Kenita Lamar Bauerle for their minor child. On September 30, 2022, DAFS filed a notice and finding of financial responsibility to enforce or adjust an existing order, establish an obligation or determine paternity (notice and finding). On November 29, 2022, Lancaster signed an acceptance of service of the notice of finding. Lancaster later signed the order upon consent in which Lancaster acknowledged he was the father of the minor child and agreed to pay Bauerle child support and child support arrears. The order upon consent was entered in the district court in December 2022.

In July 2025, DAFS filed a motion for an order to enforce and/or for an order to show cause regarding contempt, alleging that Lancaster violated the order upon consent by not paying child support. Lancaster filed an opposition and countermotion to set aside the order upon consent pursuant to NRCP 60(b). Lancaster alleged the order upon consent was voidable pursuant to NRCP 60(b)(3) on the grounds that he signed it under duress or coercion because he alleged a DAFS representative threatened him with arrest and the revocation of his driver's license if he did not sign it. Lancaster also alleged that the order upon consent was void because it was procured through a "bait and switch." He further alleged that the order upon consent was void pursuant to NRCP 60(b)(4) because he was improperly induced by the DAFS representative to sign the acceptance of service for the notice and finding but was never served with that document.

DAFS filed an opposition, asserting Lancaster's motion to set aside the order upon consent was untimely because it was filed more than six months after entry of the order upon consent. Lancaster filed a reply arguing that his motion to set aside was timely filed pursuant to NRCP 60(b)(4) because the order upon consent was void as he was not properly served and thus the district court lacked personal jurisdiction over him.

Lancaster's motion to set aside was heard by a hearing master who recommended the motion be denied, determining the grounds for Lancaster's NRCP 60(b)(3) arguments were time barred as they were not raised within six months of the entry of the order upon consent; Lancaster accepted service of the notice and finding and was properly served; and Lancaster waived his ability to contest personal jurisdiction by failing to challenge it or any defect in the service of process in a timely NRCP 12 motion. Lancaster subsequently filed an objection to the hearing master's

decision. The district court conducted a hearing on the matter and thereafter entered an order overruling Lancaster's objection and affirming and adopting the hearing master's report and recommendation. This appeal followed.

On appeal, Lancaster challenges the district court's order affirming and adopting the hearing master's report and recommendation. "Orders regarding child support are reviewed for abuse of discretion." *Backman v. Gelbman*, 141 Nev., Adv. Op. 8, 565 P.3d 330, 333 (Ct. App. 2025). "An abuse of discretion occurs when findings are not supported by substantial evidence." *Id.* Substantial evidence is "evidence that a reasonable person may accept as adequate to sustain a judgment." *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007); *see also Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009) (stating that a court's factual findings "will be upheld if not clearly erroneous and if supported by substantial evidence").

First, Lancaster argues it was an abuse of discretion to deny his motion to set aside the order upon consent. A district court has broad discretion in its determinations regarding an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of that discretion. *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996).

Lancaster contends the district court should have set aside the order upon consent pursuant to NRCP 60(b)(4) because it was void. Lancaster alleges he was induced by fraud or misrepresentation into accepting service of the notice and finding and thus the district court lacked subject matter jurisdiction over his case and personal jurisdiction over him. "Subject matter jurisdiction is the court's authority to render a judgment in

a particular category of case.” *Landreth v. Malik*, 127 Nev 175, 183, 251 P.3d 163, 168 (2011) (internal quotation marks omitted); *see also* NRS 125B.014(1) (providing that a district court has subject matter jurisdiction over child support matters). Here, while Lancaster summarily asserts that the district court lacked subject matter jurisdiction, he does not demonstrate that the district court does not have subject matter jurisdiction over the underlying child support case. Accordingly, we conclude Lancaster is not entitled to relief based on this argument.

As to personal jurisdiction, the hearing master found that the district court had personal jurisdiction over Lancaster because he accepted service of the notice and finding and he was thus properly served. The notice and finding is contained in the record and provides that Lancaster was under an order to pay child support from Pierce County, Washington and that Bauerle sought registration and modification of the order in Nevada. Lancaster signed a document stating he was accepting service of the notice and finding after discussing the case with the DAFS representative. And in light of the record, including Lancaster’s multiple filings challenging the proceedings, Lancaster does not demonstrate he lacked the ability to understand the document he signed. While Lancaster alleges service was improper because he was induced to accept it and was not actually provided with a copy of the notice and finding, the hearing master’s findings are supported by substantial evidence and are not clearly erroneous. *See* NRS 125B.014(2) (“In addition to any other method authorized by law for obtaining jurisdiction over a person inside or outside of this state, personal jurisdiction may be acquired anywhere within the territorial limits of this state by service of process in any manner prescribed

by the Nevada Rules of Civil Procedure.”); *Backman*, 141 Nev., Adv. Op. 8, 565 P.3d at 333.

Further, the hearing master found that Lancaster waived his ability to challenge personal jurisdiction or any defects in service of process because he failed to timely assert these defenses. *See* NRCP 12(b)(2), (4) (discussing how a party asserts the defenses of lack of personal jurisdiction and insufficient service of process); NRCP 12(h) (providing that challenges to personal jurisdiction and insufficient service of process can be waived); *Hansen v. Eighth Jud. Dist. Ct.*, 116 Nev. 650, 656, 6 P.3d 982, 986 (2000) (providing that “[o]bjections to personal jurisdiction, process, or service of process are waived . . . if not made in a timely motion or not included in a responsive pleading such as an answer”). The hearing master’s findings are supported by substantial evidence and are not clearly erroneous. *See Backman*, 141 Nev., Adv. Op. 8, 565 P.3d at 333. Accordingly, we conclude Lancaster is not entitled to relief based on this argument.


To the extent Lancaster argues the order upon consent should be set aside pursuant to NRCP 60(b)(3) due to the purported fraud and misrepresentation on the part of the DAFS representative that induced him to sign the acceptance of service and order upon consent, the hearing master found Lancaster’s challenge on these grounds was untimely filed. *See* NRCP 60(c)(1) (providing that a motion made under NRCP 60(b)(3) must be filed within six months of the date of service of written notice of entry of the judgment or order). This finding is supported by substantial evidence and is not clearly erroneous. *See Backman*, 141 Nev., Adv. Op. 8, 565 P.3d at 333. Accordingly, we conclude Lancaster is not entitled to relief based on this argument.


Second, Lancaster argues the district court abused its discretion by affirming the hearing master's report and recommendation despite being presented with evidence that the record was "forged." Lancaster contends the forgery occurred when the hearing master entered the report and recommendation and related court minutes denying Lancaster relief despite orally stating during the hearing that he was going to stay the matter. We discern no error. A court's oral pronouncement is not valid for any purpose and the court is free to enter a written order that is different from its oral ruling. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 688-89, 747 P.2d 1380, 1382 (1987) (explaining that before "the entry of a final judgment the district court remains free to reconsider and issue a written judgment different from its oral pronouncement" and that "[t]he district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order are ineffective for any purpose"); *see also Div. of Child & Family Servs., v. Eighth Jud. Dist. Ct.*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004) ("Before the court reduces its decision to writing, signs it, and files it with the clerk, the nature of the judicial decision is impermanent."). For these reasons, we conclude the district court did not abuse its discretion by overruling Lancaster's objection and affirming and adopting the hearing master's report and recommendation. *See Cook*, 112 Nev. at 181-82, 912 P.2d at 265.

Finally, Lancaster argues the district court abdicated its duty to supervise the conduct of the prosecutor by failing to address "the pattern of prosecutorial misconduct documented throughout the case." A district court's duty to "exercise [its] discretionary power to control obvious prosecutorial misconduct *sua sponte*" arises from its duty to ensure that criminal defendants receive a fair trial. *Collier v. State*, 101 Nev. 473, 477,

705 P.2d 1126, 1128 (1985). Even assuming such duties extend to child support enforcement matters litigated by a district attorney's office, Lancaster fails to cogently argue on appeal how the prosecutor in this matter engaged in prosecutorial misconduct impacting Lancaster's ability to receive a fair proceeding. *Cf. Rudin v. State*, 120 Nev. 121, 136, 86 P.3d 572, 582 (2004) ("In determining whether prosecutorial misconduct has deprived a defendant of a fair trial, we inquire as to whether the prosecutor's statements so infected the proceedings with unfairness as to make the results a denial of due process."). Thus, this court need not address this argument. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (holding that the appellate courts need not consider claims that are not cogently argued). For these reasons, we

ORDER the judgment of the district court AFFIRMED.¹


Bulla, C.J.


Gibbons, J.


Westbrook, J.

¹Insofar as Lancaster raises other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

After briefing was completed in this matter, Lancaster filed an emergency motion to strike the record on appeal and vacate the underlying proceedings on the grounds that record on appeal "is a sanitized, fabricated legal instrument designed to conceal a void judgment and deceive this panel." Having considered Lancaster's motion and related filings, we deny any relief sought therein.

cc: Adriana R. White, District Judge
Terrell Avalon Lancaster
Clark County District Attorney/Family Support Division
Kenita Lamar Bauerle
Eighth District Court Clerk