FILED
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COLIN ARD, Appellant, vs. ANGELIEK ARD, Respondent.	No. 91720-COA

ORDER OF REVERSAL AND REMAND

Colin Ard appeals from a district court order denying a post-divorce decree motion to terminate or modify alimony. Second Judicial District Court, Washoe County; Hon. Cynthia Lu, Judge.

Colin and respondent Angeliek Ard were divorced in 2019 following a nineteen-year marriage. At the time of their divorce, Angeliek was unemployed and had spent the preceding four years as a homemaker. During that same four-year time period, Colin's gross annual income ranged from $88,184.31 to $93,457.35. This matter proceeded to trial and, following trial, the district court entered a written divorce decree dividing the community property and awarding Angeliek alimony in the amount of $1,800 per month for a period of eight years.

In September 2025, Colin filed a motion with the district court to terminate or modify alimony. In support of his motion, Colin argued that there was a change in circumstances warranting modification of the alimony award because Angeliek had been appointed to a new position as the public guardian for Douglas County in August 2025. Colin alleged that the pay range for this position was between $95,118.40 and $133,161.60 and that because this

amount was comparable to his current annual income, the "substantial income disparity that justified the original [alimony] award no longer exists."

Although Angeliek conceded she had accepted the position with Douglas County and was earning more in this new role than in her prior job with a different county, she asserted her new annual salary was actually $89,433.60, and that, notwithstanding this increase in earnings, her monthly expenses had increased due to several factors. Angeliek further argued that Colin had not satisfied the statutory requirements of NRS 125.150(8) in seeking a modification, and that he had not established a prima facie case for modification because he had not demonstrated an inability to comply with the existing alimony obligation.

The district court thereafter entered an order denying Colin's motion. The court found that Colin's income had risen 14 percent since the entry of the divorce decree and concluded that this increase fell below the 20 percent threshold to trigger review under NRS 125.150(12). The district court further concluded that although Angeliek's income had markedly increased, "current Nevada legal authority does not provide [Angeliek's] change in income as a basis for modification or termination, nor does it provide any equitable grounds to consider a modification." This appeal followed.

On appeal, Colin argues, among other things, that the district court abused its discretion in denying his request to terminate or modify alimony. Colin asserts that the district court erroneously determined that Angeliek's increase in income cannot constitute the sort of change in circumstance that would permit modification of the alimony award.

"This court reviews district court decisions concerning divorce proceedings, such as [alimony], for an abuse of discretion." *Davitian-Kostanian v. Kostanian*, 139 Nev. 247, 252, 534 P.3d 700, 705 (2023) (internal quotation

marks omitted). An abuse of discretion can occur when the district court bases its decision on a clearly erroneous factual determination or it disregards controlling law. *NOLM, LLC v. County of Clark,* 120 Nev. 736, 739, 100 P.3d 658, 660-61 (2004) (holding that relying on factual findings that are "clearly erroneous or not supported by substantial evidence" can be an abuse of discretion (internal quotations omitted)); *Bergmann v. Boyce,* 109 Nev. 670, 674, 856 P.2d 560, 563 (1993) (holding that a decision made "in clear disregard of the guiding legal principles [can be] an abuse of discretion"). Moreover, "deference is not owed to legal error, or to findings so conclusory they may mask legal error." *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015) (internal citations omitted).

NRS 125.150(8) provides that unaccrued alimony payments "*may* be modified upon a showing of changed circumstances." (Emphasis added.) The statute further directs the court to analyze any factors "the court considers relevant," including changes to "the income of the spouse who is ordered to pay alimony," specifying that "a change of 20 percent or more in the gross monthly income of [the paying spouse] shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony." NRS 125.150(8), (12). However, an increase in the income of the paying spouse is not exclusively determinative of whether the district court may exercise its discretion to modify alimony. Rather, NRS 125.150(11)(b) expressly provides that "[t]he spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order," and the district court may modify its order for a party to make periodic alimony payments pursuant to a divorce decree upon a finding of changed circumstances. NRS 125.150(8). To that end, the district court may "analyze any factors the court considers relevant," *Davitian-Kostanian*, 139 Nev. at 252, 534 P.3d at 705, not just a

change in income of the paying spouse. Accordingly, the district court abused its discretion in concluding that Angeliek's change in income was not a cognizable change in circumstances. *See id.*

Because the district court should have considered Angeliek's change of income in assessing whether Colin had demonstrated changed circumstances warranting modification of the alimony award, and because its failure to do so was an abuse of discretion, we reverse and remand. On remand, the court should consider the parties' present financial circumstances, including any material change in Angeliek's income, together with any other factors it finds relevant, to determine whether modification of the alimony award is warranted. *See id.* at 252, 534 P.3d at 706 (explaining that modification of alimony is "ultimately commit[ed] . . . to the district court's discretion . . . upon a showing of changed circumstances"). According, we

ORDER the judgment of the district court REVERSED and remand this matter to the district court for further proceedings.[1]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

[1]Insofar as Colin raises 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.

cc: Hon. Cynthia Lu, District Judge
Taggart & Taggart, Ltd.
Colin Ard
The Second Judicial District Court of the State of Nevada, in and for the County of Washoe, District Court Clerk