IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD E. ROMERO,
Appellant,
vs.
AMY L. ROMERO,
Respondent.

No. 39853

FILED

NOV 08 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from district court orders concerning child support.

In 1998, the parties were granted a divorce in Las Vegas. They have two minor children from the marriage, ages approximately six and four. The divorce decree provided that the parties would share joint legal custody, that respondent would have primary physical custody and that appellant would have liberal visitation. The parties stipulated that appellant would pay child support in the amount of $250 per child per month. In 1998, respondent and the children relocated from Las Vegas to Reno.

In February 2002, appellant, proceeding in proper person, moved the district court in Clark County to enforce jurisdiction, to review the child support obligation and award him an offset and/or an abatement for child support, and to enforce the divorce decree as it relates to health insurance. In his motion, appellant contended that the district court in Clark County retained jurisdiction over the child support issue. Appellant requested, among other things, that he receive an offset for child support,

since he is raising two minor children from his current marriage. Moreover, appellant requested that he receive an abatement for child support during the summer months when the children visit him. Respondent opposed the motion and filed a countermotion for an increase in child support. On March 5, 2002, a hearing was conducted on appellant's motion. Both parties were present.

Following the hearing, the district court entered a written order on March 19, 2002. The order denied appellant's request for an offset and/or abatement for child support and increased appellant's total child support obligation from $500 per month to $750 per month, plus $10 for health insurance, for a total of $760 per month. The record reveals that notice of the order's entry was served by mail on March 26, 2002.

On April 3, 2002, appellant moved the district court to reconsider the March 19 order. On April 30, 2002, respondent filed an opposition to appellant's motion for reconsideration and a countermotion for attorney fees. A hearing was conducted on the motion for reconsideration on May 2, 2002. Both parties were present at the hearing.

Following the hearing, on May 14, 2002, the district court granted the motion for reconsideration to the extent that the child support award in the March 19 order required clarification. Specifically, the $10 designated as the monthly amount owed for health insurance coverage was actually intended as a credit, since only appellant provided the children with health insurance coverage. Accordingly, the May 14 order modified the child support obligation under the March order from $760 per

month to $750 per month. Notice of the May 14 order's entry was served by mail on June 3, 2002. On June 24, 2002, appellant filed a notice of appeal as to the March 19, 2002 order and the May 14, 2002 order.

While a timely motion for reconsideration was filed, a motion for reconsideration does not toll the time in which to file a notice of appeal.[1] To vest jurisdiction in this court, a notice of appeal must be filed within thirty days after written notice of an order's entry is served.[2] If this written notice is served by mail, then an additional three days is added to the thirty-day period under NRAP 26(c). The record establishes that the notice of entry of the March 19, 2002 order that modified the child support obligation was served by mail on March 26, 2002. Thus, appellant was required to file his notice of appeal by April 29, 2002. Since appellant did not file his notice of appeal from the March order until June 24, 2002, it appears that appellant is barred from appealing that order.

The May 14, 2002 order partially granted reconsideration and, to that extent, is substantively appealable.[3] Additionally, appellant timely appealed from that order. Nevertheless, he does not appear aggrieved.[4]

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[1]See NRAP 4(a)(2); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 186, 660 P.2d 980, 981 (1983).

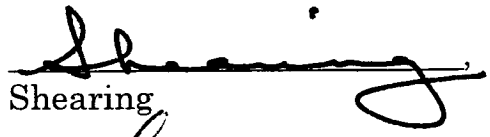
[2]See NRAP 4(a)(1).

[3]Bates v. Nevada Savings & Loan Ass'n, 85 Nev. 441, 456 P.2d 450 (1969).

[4]NRAP 3A(a) (providing that only an aggrieved party can appeal).

The May order clarified the March order and reduced appellant's child support obligation by $10 per month.[5] Thus, the change benefited appellant.

Accordingly, as we lack jurisdiction to consider this appeal, we ORDER this appeal DISMISSED.



_____, J.
Shearing

_____, J.
Leavitt

_____, J.
Becker

cc: Hon. William O. Voy, District Judge, Family Court Division
Edward E. Romero
Amy L. Romero
Clark County Clerk

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[5]See Estate of Hughes v. First Nat'l Bank, 96 Nev. 178, 605 P.2d 1149 (1980) (noting that a party is aggrieved if a personal right or right of property is adversely and substantially affected by a district court's ruling).