

IN THE SUPREME COURT OF THE STATE OF NEVADA

CATHERINE A. SANT,  
Appellant,  
vs.  
PAUL T. SANT,  
Respondent.

No. 41675

FILED

APR 25 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's motion to hold respondent in contempt and granting respondent's counter-motion to modify the spousal support award. Eighth Judicial District Court, Family Court Division, Clark County; N. Anthony Del Vecchio, Judge.

Under NRCP 60(b), the district court has wide discretion in deciding whether to grant or deny a motion to set aside a judgment, and the district court's determination will not be disturbed on appeal absent abuse of discretion.<sup>1</sup> This court will uphold the decision of the district court granting or denying an NRCP 60(b) motion if there is substantial evidence in the record to support that decision.<sup>2</sup> Moreover, this court reviews a district court's ruling on a motion to modify spousal support for abuse of discretion.<sup>3</sup>

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<sup>1</sup>Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996).

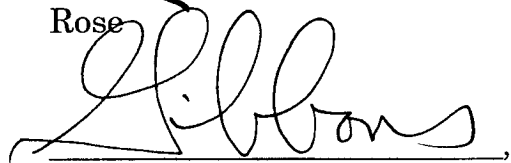
<sup>2</sup>Smith v. Smith, 102 Nev. 110, 716 P.2d 229 (1986).

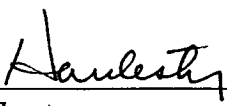
<sup>3</sup>See Gilman v. Gilman, 114 Nev. 416, 422, 956 P.2d 761, 764 (1998).

Here, the district court concluded that respondent knowingly and willingly entered into the settlement agreement to pay appellant \$2,000 per month in spousal support for eight years. But the court also acknowledged that respondent's income had changed so as to warrant a modification in the spousal support award to \$1,500 per month. We have reviewed the record and conclude that substantial evidence supports the district court's determination to grant in part respondent's motion to set aside a portion of the decree and modify the support obligation. Thus, the district court did not abuse its discretion, and we affirm.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. N. Anthony Del Vecchio, District Judge, Family Court Division  
Kelleher & Kelleher, LLC  
Catherine A. Sant  
Clark County Clerk