

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARON LANE,  
Appellant,  
vs.  
LESLIE LANE,  
Respondent.

No. 41814

**FILED**

NOV 09 2006

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying an NRCP 60(b) motion to set aside a divorce decree as it relates to property division. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

We review the district court's order denying relief pursuant to NRCP 60(b) for an abuse of discretion.<sup>1</sup> Having reviewed the briefs, appendix, and transcripts, we perceive no abuse of discretion in this case. In particular, appellant's reliance on Carlson v. Carlson<sup>2</sup> is misplaced, because here, there was no mutual mistake or fraud. The settlement agreement's terms indicate that the parties divided their property in what they viewed as a fair and reasonable manner, with appellant retaining her business and respondent retaining his pension. That the parties

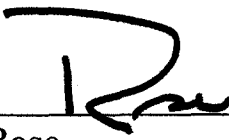
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<sup>1</sup>See Carlson v. Carlson, 108 Nev. 358, 361, 832 P.2d 380, 382 (1992) (stating that "[m]otions under NRCP 60(b) are within the sound discretion of the district court, and this court will not disturb the district court's decision absent an abuse of discretion").


<sup>2</sup>Id.

understood that the pension was likely worth more than the business was reflected in the unequal distribution of the parties' debt, with respondent bearing the bulk of the parties' liabilities. That the parties decided against spending the time and money that would have been required to obtain precise valuations of the business and pension, and that they decided to forego hiring counsel until after the decree had been entered, does not demonstrate fraud or mistake. We therefore conclude that the district court did not abuse its discretion when it determined that there was no factual or legal basis to grant the motion to set aside the divorce decree, and we affirm its order.

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. Jennifer Elliott, District Judge, Family Court Division  
Alan R. Johns, Settlement Judge  
Law Offices of John P. Lukens  
William G. Henderson  
Kelleher & Kelleher, LLC  
Clark County Clerk