

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY L. GABEL,
Appellant,
vs.
ARLENE L. GABEL,
Respondent.

No. 42304

FILED

NOV 09 2006

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

ORDER OF REVERSAL

This is an appeal from a district court order granting 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; Cynthia Dianne Steel, Judge.


At the time of the underlying proceedings, NRCP 60(b) provided that a motion to set aside a judgment under NRCP 60(b)(1) or (2) must be filed within "six months after the judgment . . . was entered." Here, the judgment was entered on October 9, 2002. Respondent's motion to set aside the decree was filed on April 11, 2003, two days after NRCP 60(b)'s time limit expired. We have previously held that NRCP 60(b) governs efforts to seek relief from a divorce decree,¹ and that the district court may not consider such motions after expiration of the six-month period.² Thus, the district court lacked jurisdiction to entertain

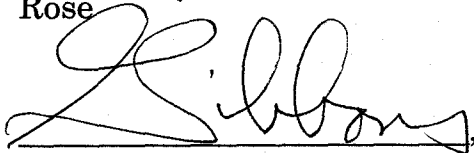
¹Kramer v. Kramer, 96 Nev. 759, 616 P.2d 395 (1980).

²See Clark County v. Lewis, 88 Nev. 354, 498 P.2d 363 (1972) (noting that a judgment entered more than six months before a motion for relief from the judgment was filed could not be set aside based on grounds
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respondent's motion and should not have granted it. Accordingly, we reverse the district court's order granting respondent's NRCP 60(b) motion.

It is so ORDERED.


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Maupin

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Lester H. Berkson, Settlement Judge
Edward E. Vargas
Webster & Associates
McFarling Law Group
Clark County Clerk

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set forth in NRCP 60(b)(1) or (2)); cf. Jackson v. Jackson, 111 Nev. 1551, 907 P.2d 990 (1995) (holding that an order modifying child support more than six months after the decree was permissible, because a statute expressly permits such modification, while implicitly acknowledging that NRCP 60(b) would not have permitted modification after six months).