

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLORIA GAE SCHOFIELD,  
Appellant,  
vs.  
MICHAEL LEO SCHOFIELD,  
Respondent.

No. 39095

FILED

APR 15 2002

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a final divorce decree. First, the district court has wide discretion in determining whether to grant alimony, and this court will not disturb the district court's award of alimony absent an abuse of discretion.<sup>1</sup> The court "[m]ay award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable."<sup>2</sup> We conclude that the district court did not abuse its discretion when it ordered respondent to pay appellant alimony in the amount of \$250 per month for three years, even though appellant had requested significantly higher payment.

Second, in granting a divorce, the district court is required, as much as practicable, to make an equal distribution of community property.<sup>3</sup> This court has previously noted that it will not interfere with the disposition of the parties' community property, unless it appears from

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<sup>1</sup>See Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 916 (1996) (holding that an award of spousal support will not be disturbed on appeal unless it appears from the record that the district court abused its discretion).

<sup>2</sup>NRS 125.150(1)(a).

<sup>3</sup>See NRS 125.150(1)(b).

the entire record that the district court abused its discretion.<sup>4</sup> Here, the district court ordered the equal division of certain community assets, and ordered the parties to share equally in the payment of the community debt. Moreover, the court ordered appellant responsible for the debt associated with bad checks she had written on the parties' business account. We conclude that the record supports the district court's decision regarding the disposition of property.

Finally, although appellant does not appear to challenge the district court's order regarding custody of the parties' minor child and the award of child support and arrears, we discern no error on the district court's part with respect to these issues. The district court awarded appellant sole legal and physical custody of the parties' minor child, who is approximately seventeen years old, with respondent having liberal visitation.<sup>5</sup> Additionally, the district court ordered respondent to pay \$500 per month in child support for the parties' minor child, and \$50 per month arrears.<sup>6</sup> The district court's child support award is supported by evidence in the record of respondent's income.

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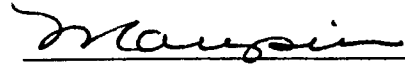
<sup>4</sup>See Heim v. Heim, 104 Nev. 604, 607, 763 P.2d 678, 679 (1988), superseded on other grounds as stated by Rodriguez v. Rodriguez, 116 Nev. 993, 13 P.3d 415 (2000).

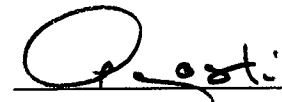
<sup>5</sup>See Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (stating that "[m]atters of custody and support of minor children rest in the sound discretion of the trial court"); Sims v. Sims, 109 Nev. 1146, 1148, 865 P.2d 328, 330 (1993) (stating that in determining the custody of a minor child, the sole consideration of the court is the best interest of the child).


<sup>6</sup>NRS 125B.070(1)(b)(1) (setting forth a formula establishing that a noncustodial parent's monthly child support obligation for one child is set at 18% of the parent's gross monthly income subject to a maximum of \$500 per child).

Having reviewed the record, we conclude that the district court did not abuse its discretion concerning the award of alimony, the division of community assets and debts, and the award of child custody and support. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

\_\_\_\_\_, J.  
Agosti

\_\_\_\_\_, J.  
Leavitt

cc: Hon. Michael P. Gibbons, District Judge  
Donald D. Beury  
Gloria Gae Schofield  
Carson City Clerk