

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAMMY LEE SWINDELL, F/K/A
TAMMY LEE KRAY,
Appellant,
vs.
DON M. KRAY,
Respondent.

No. 40807

FILED

JUL 01 2004

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

ORDER OF AFFIRMANCE

This is a post-decree appeal from a district court order denying appellant's motion to relocate from Las Vegas, Nevada, to Cheyenne, Wyoming with the parties' two minor children. The district court also denied appellant's motions to change from joint physical custody to primary physical custody and to increase child support. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

On appeal, appellant Tammy Lee Swindell, formerly known as Tammy Kray, maintains that the district court abused its discretion in denying her motions for relocation to Wyoming, primary physical custody, and increased child support. After a careful review of the record, we conclude that substantial evidence supported the district court's findings.¹ The district court properly considered the factors outlined in Schwartz v. Schwartz³ and the best interests of the children when making its findings.

¹Shydler, 114 Nev. 192, 196, 954 P.2d 37, 39 (1998) (providing that rulings supported by substantial evidence will not be disturbed on appeal).

²107 Nev. 378, 382-383, 812 P.2d 1268, 1271 (1991).

Accordingly, we conclude that the district court did not abuse its discretion in denying Swindell's motions, and we

ORDER the judgment of the district court AFFIRMED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Gayle F. Nathan
John Hall Howard, Jr., Ltd.
Clark County Clerk