

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYNTHIA BITAUT,  
Appellant/Cross-Respondent,  
vs.  
WALTER BITAUT,  
Respondent/Cross-Appellant.

No. 41099

**FILED**

JUL 11 2005

ORDER OF AFFIRMANCE

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

This is an appeal and cross-appeal from a final divorce decree and from an order granting NRCP 52(b) and 59(e) motions to alter or amend the decree. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

On appeal, appellant/cross-respondent Cynthia Bitaut contends that the district court abused its discretion by: (1) awarding respondent/cross-appellant Walter Bitaut any equity in the marital residence; (2) awarding her spousal support in the amount of \$2000 per month for forty-eight months; (3) declining to treat furniture Walter purchased post-separation as pre-divorce community property; (4) denying her claim that Walter wasted community assets; and (5) ordering her to pay her own attorney fees. Walter, proceeding in proper person cross-appeals, asserting that Cynthia's counsel should be sanctioned for inaccurately representing various district court orders when she reduced them to writing, and also for her failure to monitor the parties' tax refund as ordered by the district court.<sup>1</sup>


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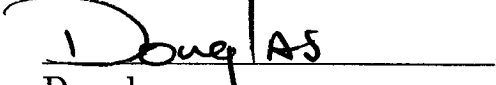
<sup>1</sup>Since Walter did not raise this contention in the district court, we need not consider it. See Montesano v. Donrey Media Group, 99 Nev. 644, 650 n.5, 668 P.2d 1081, 1085 n.5 (1983) (stating that an argument may not be raised for the first time on appeal).


This court will not interfere with a district court's disposition of the parties' marital property or spousal support award, unless it is clear from the entire record that the district court abused its discretion.<sup>2</sup> Moreover, an award of attorney fees in divorce proceedings lies within the district court's sound discretion.<sup>3</sup>

Having considered the parties' briefs and reviewed the record, we conclude that the district court did not abuse its discretion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>2</sup>See Shane v. Shane, 84 Nev. 20, 22, 435 P.2d 753, 755 (1968); see also NRS 125.150(1)(b) (providing that the district court must, to the extent practicable, make an equal community property disposition; however, it may make an unequal disposition in "proportions it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition"); Fick v. Fick, 109 Nev. 458, 464, 851 P.2d 445, 450 (1993) (recognizing that the district court is entitled to wide discretion in determining whether to grant spousal support, as well as the amount thereof).

<sup>3</sup>See NRS 125.150(3); Sprenger v. Sprenger, 110 Nev. 855, 878 P.2d 284 (1994).

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division  
Frances-Ann Fine  
Walter Bitaut  
Clark County Clerk