

§ 125.150. Alimony and adjudication of property rights; award of attorney's fee; subsequent modification by court.

Statute text

Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

- (a) May 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; and
- (b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as 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.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

- (a) The intention of the parties in placing the property in joint tenancy;
- (b) The length of the marriage; and
- (c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

As used in this subsection, "contribution" includes a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

4. In granting a divorce, the court may also set apart such portion of the husband's separate property

for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony he has been ordered to pay.

8. In granting a divorce the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

9. If the court determines that alimony should be awarded pursuant to the provisions of subsection 8:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

- (1) Testing of the recipient's skills relating to a job, career or profession;
 - (2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;
 - (3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;
 - (4) Subsidization of an employer's costs incurred in training the recipient;
 - (5) Assisting the recipient to search for a job; or
 - (6) Payment of the costs of tuition, books and fees for:
- (I) The equivalent of a high school diploma;
 - (II) College courses which are directly applicable to the recipient's goals for his career; or
 - (III) Courses of training in skills desirable for employment.

History

(1861, p. 94; 1939, p. 18; 1943, p. 117; 1949, p. 54; CL 1929 (1949 Supp.), § 9463; 1961, p. 401; 1975, p. 1588; 1979, p. 1821; 1989, ch. 362, § 1, p. 744; 1989, ch. 472, § 14, p. 1005; 1993, ch. 135, § 1, p. 240; 1993, ch. 612, § 1, p. 2550; 1995, ch. 576, § 2, p. 1968; 1999, ch. 434, § 8, p. 2023.)

Annotations

Effective date. - The 1995 amendment became effective July 5, 1995.

Effect of Amendment. - The 1995 amendment added "Except as otherwise provided in section 1 of this act and" in the introductory language; and deleted "in its discretion" preceding "provide for the reimbursement" in subdivision 2, in the second sentence.

The 1999 amendment, in subsection 3, added "Except as otherwise provided in NRS 125.141" to the initial sentence.

Cross references. - As to introduction into evidence and approval of contract between husband and wife, see NRS 123.080.

As to revocation of provisions of will in favor of former spouse on divorce or annulment, see NRS 133.115.

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I. General Consideration

Pleading requirements. - NRCP 9 lists matters which must be specifically pleaded, but alimony is not among them. Under this section attorneys' fees in divorce actions must either be sought by motion, or a request therefor placed in issue by the pleadings. However, the same statute creates no such requirement as to alimony, but rather unqualifiedly vests district courts with authority to grant alimony to either spouse in granting a divorce. *Woodruff v. Woodruff*, 94 Nev. 1, 573 P.2d 206 (1978).

No child support for children beyond majority. - The latitude of discretion conferred upon the trial court by subdivision 1 to dispose of community property with regard "to the burdens, if any, imposed upon it, for the benefit of the children," does not pertain to children beyond the age of majority. *Ellett v. Ellett*, 94 Nev. 34, 573 P.2d 1179 (1978).

Alimony due or to become due is not a debt dischargeable in federal bankruptcy court. - Upon the bringing by husband of bankruptcy proceedings, hoping thereby to prevent his former wife from collecting alimony, the federal court was without power to prevent the state from punishing husband for refusing to obey the order of the state court awarding wife alimony, or to relieve husband from his obligation to pay installments of alimony. *In re Pyatt*, 257 F. 362 (D. Nev. 1918).

Effect of foreign divorce action. - A former wife, who has obtained a final ex parte California divorce, can thereafter maintain an action for support in this state against her former husband, where she did not have an opportunity to litigate that right in her foreign divorce action. *Portnoy v. Portnoy*, 81 Nev. 235, 401 P.2d 249 (1965).

This provision refers only to "alimony," not "permanent alimony." *Waltz v. Waltz*, 110 Nev. 605, 877 P.2d 501 (1994).

Two of the primary purposes of alimony, at least in marriages of significant length, are (1) to narrow any large gaps between the post-divorce earning capacities of the parties and (2) to allow the recipient spouse to live as nearly as fairly possible to the state in life enjoyed before the divorce. *Shydler v. Shydler*, 114 Nev. 192, 954 P.2d 37 (1998).

Post-divorce property equalization payments to one spouse can not be used as a substitute for alimony. *Shydler v. Shydler*, 114 Nev. 192, 954 P.2d 37 (1998).

Cited in: Elsmann v. Elsmann, 54 Nev. 20, 2 P.2d 139 (1931); Cunningham v. Cunningham, 61 Nev. 93, 116 P.2d 188 (1941); First Nat'l Bank v. Wolff, 66 Nev. 51, 202 P.2d 878 (1949); Leland v. Leland, 71 Nev. 346, 291 P.2d 905 (1955); Zahringer v. Zahringer, 76 Nev. 21, 348 P.2d 161 (1960); Holm v. Shilensky, 388 F.2d 54 (2d Cir. 1968); Thurston v. Thurston, 87 Nev. 365, 487 P.2d 342 (1971); Heinle v. Heinle, 88 Nev. 588, 502 P.2d 986 (1972); Buchanan v. Buchanan, 90 Nev. 209, 523 P.2d 1 (1974); Jolley v. Jolley, 92 Nev. 298, 549 P.2d 1407 (1976); Benavidez v. Benavidez, 92 Nev. 539, 554 P.2d 256 (1976); Evans v. Evans, 92 Nev. 608, 555 P.2d 839 (1976); Armour v. Armour, 93 Nev. 63, 560 P.2d 148 (1977); Applebaum v. Applebaum, 93 Nev. 382, 566 P.2d 85 (1977); Canul v. Canul, 93 Nev. 459, 567 P.2d 476 (1977); Smith v. Smith, 94 Nev. 249, 578 P.2d 319 (1978); McInnis v. McInnis, 94 Nev. 532, 582 P.2d 802 (1978); Spears v. Spears, 95 Nev. 416, 596 P.2d 210 (1979); Hildahl v. Hildahl, 95 Nev. 657, 601 P.2d 58 (1979); Huffer v. Kovacs, 1 Bankr. 103 (Bankr. D. Nev. 1979); Ferradino v. Ferradino, 14 Bankr. 196 (Bankr. D. Nev. 1981); Roberts v. Stachowiak, 16 Bankr. 392 (Bankr. D. Nev. 1982); Gemma v. Gemma, 105 Nev. 458, 778 P.2d 429 (1989); Rutar v. Rutar, 108 Nev. 203, 827 P.2d 829 (1992); Sprenger v. Sprenger, 110 Nev. 855, 878 P.2d 284 (1994).

II. Alimony, Support, and Distribution of Property

A. In General

Contemporaneous distribution of property mandatory. - When a trial court proceeds to enter a judgment or decree of divorce it shall contemporaneously dispose of the community property of the parties. Although NRCP 42(b) authorizes a court to conduct separate evidentiary hearings on any issue that court is without jurisdiction to enter a final decree of divorce without the contemporaneous disposition of community property. Gojack v. Second Judicial Dist. Court ex rel. County of Washoe, 95 Nev. 443, 596 P.2d 237 (1979).

Spouse's right to community property. - Despite the failure of a decree of divorce to dispose of or mention the property of the parties, a divorced wife was entitled to one-half of the community property owned by herself and her husband at the time the divorce was rendered. If her husband disposed of any integral portion of this property, she was entitled to follow it and to claim her share of such proceeds as could be clearly identified. She was also entitled to a moiety of the rents, issues and profits of the common property, to an accounting, and to a judgment if the husband converted her portion of such rents, issues, and profits to his own use. Johnson v. Garner, 233 F. 756 (D. Nev. 1916).

Judge's responsibility. - The judge must, in making a decision in alimony and property matters, form a judgment as to what is equitable and just, having regard to the respective merits of the parties and to the condition in which they will be left by the divorce. Heim v. Heim, 104 Nev. 605, 763 P.2d 678 (1988).

Unequal division. - The husband's financial misconduct in the form of his having refused to account to the court concerning earnings and other financial matters over which he had control and the husband's lying to the court about his income both provided compelling reasons for the unequal disposition. The husband's appropriating to his own use, after each separation, of several thousand dollars which had to be repaid by the wife presented the kind of financial misconduct that formed

the basis for a finding of compelling reasons for unequal division. *Putterman v. Putterman*, 113 Nev. 606, 939 P.2d 1047 (1997). **To determine what is fair, just and equitable**, one had to look not only to the relative financial condition of the parties and to where they will be "left" by the divorce, but also to all of the circumstances of the marriage - its duration, the age and health of the parties, the special agreements and understandings of the parties and the past relations, conduct and status of the parties. *Heim v. Heim*, 104 Nev. 605, 763 P.2d 678 (1988).

When the Legislature changed property division from equitable to equal, it deleted the equitable factors that formerly had to be applied by the courts in making a "just and equitable" disposition of community property; but, in making these changes, the Legislature did not define the "compelling reasons" exception to equal division. Although the trial judge in this case did not undertake to define the term "compelling reasons," he did correctly rule that the financial misconduct of the husband provided compelling reasons for an unequal division of the community property. *Lofgren v. Lofgren*, 112 Nev. 1282, 926 P.2d 296 (1996).

The court in granting a divorce is given extensive discretionary power to deal not only with community property but with the separate property of a spouse as well. *McCall v. McCall*, 70 Nev. 287, 266 P.2d 1016 (1954).

Court abused its discretion in not awarding permanent or lump sum alimony. - Where, because of husband's substantial wealth, an award of permanent or lump sum alimony would not have substantially depleted his assets, and where wife by contrast, had few assets or hopes of employing herself, and husband's death left her with essentially no means of support, yet she likely has many more years to live, an award of alimony to extend beyond husband's death would, under the circumstances of this case, have been just and equitable, and accordingly, the district court abused its discretion in not awarding permanent or lump sum alimony. *Daniel v. Baker*, 106 Nev. 412, 794 P.2d 345 (1990).

Alimony award held not just and equitable. - Where, in a divorce action, the husband had acquired an advanced degree during the marriage and earned \$5,600 per month, and the wife had spent 35 years as a homemaker, and had never earned more than \$600 per month, an alimony award of \$500 per month was not just and equitable. *Heim v. Heim*, 104 Nev. 605, 763 P.2d 678 (1988).

It was not error for the district court to order husband to pay the statutory maximum of child support and to allow wife to retain possession of the residence until the youngest child reached majority, and the husband was to make the mortgage payments until the residence was sold. *Malmquist v. Malmquist*, 106 Nev. 231, 792 P.2d 372 (1990).

Property not disposed of is held by parties as tenants in common. - Property not disposed of in a divorce action is held by the parties as tenants in common. *Williams v. Waldman*, 108 Nev. 466, 836 P.2d 614 (1992).

On remand, ex-wife not required to prove law practice fraudulently omitted. - In light of their attorney-client relationship, on remand, ex-wife was not required to prove that ex-husband's law practice was fraudulently omitted from the property settlement, but simply that the community

property at issue was left unadjudicated and was not disposed of in the divorce. *Williams v. Waldman*, 108 Nev. 466, 836 P.2d 614 (1992).

Alimony as property of the debtor's estate. - Any and all spousal support payments which did or will accrue after the filing of the debtor's petition are not property of debtor's estate, and should be paid directly to debtor. *In re Anders*, 151 Bankr. 543 (Bankr. D. Nev. 1993).

Any and all spousal support payments which accrued prior to 180 days following the date of the filing of debtor's petition are property of debtor's estate. *In re Anders*, 151 Bankr. 543 (Bankr. D. Nev. 1993).

Alimony as property settlement. - This section cannot be used as authority to order cessation of alimony payments when those payments were clearly a property settlement. *Waltz v. Waltz*, 110 Nev. 605, 877 P.2d 501 (1994).

No abuse of discretion in money award for job training. - Where evidence revealed that district court heard substantial evidence that wife no longer commanded the skills necessary to re-enter the labor market and the disparity between wife's and husband's respective earning potential, and wife possessed a high school education while the husband had obtained a Ph.D., M.B.A., M.P.A., M.A. in general studies, economics and business, and a teaching credential, the district court did not abuse its discretion in granting the wife \$3,000 to update her job skills. *Fick v. Fick*, 109 Nev. 458, 851 P.2d 445 (1993).

Violation of equitable distribution presumption. - The court did not adequately describe why it reduced the wife's interest in the husband's retirement to a "reasonable equivalency" award for temporary spousal support. The wife's receipt of the amount violated the "equal distribution" presumption governing community property laws. *Wolff v. Wolff*, 112 Nev. 1355, 929 P.2d 916 (1996).

B. Discretion and Power of Court

Court's latitude to consider factors. - Subsection (8) gives the trial court great latitude to consider any other factors the court considers relevant in determining whether such alimony should be granted. *Alba v. Alba*, 111 Nev. 426, 892 P.2d 574 (1995).

The district court erred in applying the *Malmquist v. Malmquist*, 106 Nev. 231, 792 P.2d 372 (1990) property apportionment formulae to the division of the community real property. In *Malmquist*, the court addressed the issue of separate and community property improvements to real property and developed formulae for reimbursement for those improvements. Because the separate property contributions did not add substantial value to the community property, this removed that property from apportionment under *Malmquist*. *Kerley v. Kerley*, 111 Nev. 462, 893 P.2d 358 (1995).

A court is not compelled by law in this state to make some award of alimony; it is wholly the creature of statute. The allowance of permanent alimony rests within the sound discretion of the trial court, to be exercised in the light of all surrounding circumstances, and such allowance will not be

disturbed on appeal. *Freeman v. Freeman*, 79 Nev. 33, 378 P.2d 264 (1963).

But circumstances may mandate alimony. - The court was in error in its refusal to award alimony to 56 year old wife in general poor health and suffering from severe degenerative arthritis, who had no prospects for employment and only an eighth grade education and had not worked during the marriage. *Fausone v. Fausone*, 75 Nev. 222, 338 P.2d 68 (1959).

The district court did not abuse its discretion in awarding temporary rehabilitative alimony to wife. The district court found that husband had the ability to generate income and that wife needed alimony because at husband's request she was not gainfully employed during most of the marriage. Husband failed to present sufficient evidence to demonstrate that the district court's judgment was anything other than "equitable and just" or that it failed to consider the requirements of this section. *Kerley v. Kerley*, 111 Nev. 462, 893 P.2d 358 (1995).

The trial court in a divorce action is not compelled to make an exact equal distribution to the parties of either the community property itself or the value thereof. *Fox v. Fox*, 81 Nev. 186, 401 P.2d 53 (1965).

A trial court in awarding alimony and allocating property in a divorce action should not be held to a mathematical certainty in all cases. The trial court's objective is that of fairness which it achieves by the judge's personal observation of the parties and the evaluation of the circumstances as they come before him in the arena of the trial court. *Winn v. Winn*, 86 Nev. 18, 467 P.2d 601 (1970).

Time frame required. - District court is required to establish a time frame for wife who received alimony for re-training to commence her re-education. *Fick v. Fick*, 109 Nev. 458, 851 P.2d 445 (1993).

Factors considered. - Although the trial courts have wide discretion in the determination of alimony, nevertheless, there are limits to their discretion, much depends upon the particular facts of the individual case. Among the matters to be considered are: The financial condition of the parties; the nature and value of their respective property; the contribution of each to any property held by them as tenants by the entirety; the duration of the marriage; the husband's income, his earning capacity, his age, health and ability to labor; and the wife's age, health, station and ability to earn a living. Where the trial court does not indicate in its judgment or decree that it gave adequate consideration to such factors in failing to award any alimony to a party the Supreme Court shall remand for reconsideration of the issue. *Johnson v. Steel, Inc.*, 94 Nev. 483, 581 P.2d 860 (1978); *Forrest v. Forrest*, 99 Nev. 602, 668 P.2d 275 (1983).

Misconduct or Fault. - When considering an award of alimony, the court may not consider either party's misconduct or fault. *Rodriguez v. Rodriguez*, 116 Nev. 107, 13 P.3d 415 (2000).

Community property indebtedness. - In determining the value of the community property assets, the amount of community property indebtedness must be considered. *Johnson v. Johnson*, 76 Nev. 318, 353 P.2d 449 (1960).

Consideration of earning potential. - A trial judge, in exercising his discretion, should be allowed, but not required, in fixing the amount of alimony or child support, to consider what a spouse or parent could in good faith earn if he so desired. *Rosenbaum v. Rosenbaum*, 86 Nev. 550, 471 P.2d

254 (1970).

Relative age and health of the parties. - The district judge did not abuse his discretion in awarding a wife alimony for six months only, where the wife was 42 at the time of trial while the husband was 64, her testimony of her ill health was uncorroborated, and the marriage was of a relatively short duration. *Schulman v. Schulman*, 92 Nev. 707, 558 P.2d 525 (1976).

Reasonable equal division of community property required. - While the lower court is vested with broad discretion in dividing community property, the award of the entire equity of a community property home to the wife was an abuse of discretion since this did not result in a reasonably equal division of the community property and the interests of the children could be met by numerous alternative methods. *Stojanovich v. Stojanovich*, 86 Nev. 789, 476 P.2d 950 (1970).

In a divorce proceeding the district court erred in awarding sole ownership of a duplex to a wife where the duplex was the only significant marital property and the wife's financial condition was at least equal to or better than that of her disabled husband. *Schick v. Schick*, 97 Nev. 352, 630 P.2d 1220 (1981).

The district court abused its discretion by directing the husband to purchase the life insurance policy. The husband was required to obtain, not maintain, an existing life insurance policy out of his own salary. The decree did not provide for a corresponding "equal" liability to the wife. Accordingly, the requirement that the husband expend money on the life insurance policy was an "unequal" distribution of debt. *Wolff v. Wolff*, 112 Nev. 1355, 929 P.2d 916 (1996).

Except where one spouse is an inmate of a state hospital. - Where the divorce was granted upon the ground of insanity and the wife was maintained without cost in a state hospital and the husband cared for the children it was not error to award all of the community property to the husband. *Herzog v. Herzog*, 69 Nev. 286, 249 P.2d 533 (1952).

Changed circumstances after appeal. - Where the Supreme Court's ruling gave the wife approximately \$60,000 worth of property previously awarded to the husband, making the wife that much richer while at the same time making the husband that much poorer, this changed situation of the parties was a matter under this section for the trial court to consider on remand in its disposition of the community property, as it obviously was a matter not considered or contemplated by the trial court in its original decision. *Weeks v. Weeks*, 75 Nev. 411, 345 P.2d 228 (1959).

Alimony can be made contingent. - There was no error or abuse of discretion by the district court in awarding to a wife, as part of her alimony, an allowance to enable her to improve her hearing ability and to enable her to take a refresher course at a beauty college; thus, a requirement by the district court in making a lump sum alimony award contingent upon her seeking training to improve her hearing ability and to improve her earning capacity as a beauty operator did not detract from the award. *Fenkell v. Fenkell*, 86 Nev. 397, 469 P.2d 701 (1970).

District court exceeded its authority in placing community property toy soldier and militaria collection, lithographs and library into a trust for the parties' son; the collections were not set aside for child support and were not appropriate for the purpose. *Shydler v. Shydler*, 114 Nev. 192, 954

P.2d 37 (1998).

C. Division of Property

1. In General

Subdivision 1 requires the divorce court to consider the party through whom the property was acquired but this does not, of course, mean that in a community property state the party who acquires an item of community property is entitled by virtue of the acquisition to any greater or lesser share of the community property. *McNabney v. McNabney*, 105 Nev. 652, 782 P.2d 1291 (1989).

No "fifty-fifty rule." - There is in Nevada, no "fifty-fifty rule" when it comes to the disposition of community property under subdivision 1 since the Nevada divorce statute directs only that a division of community property be just and equitable and that, in making such a division, the court must give due regard to the respective merits of the parties, to the condition in which they are left by the divorce and to who acquired the property and therefore, it was quite proper for the trial court to decide that it did not have to make an equal, fifty-fifty division of property. *McNabney v. McNabney*, 105 Nev. 652, 782 P.2d 1291 (1989).

Where the division must be just and equitable, a 50-50 rule as a rule of law is inherently inconsistent and any claimed mandate for an essentially equal division of community property is far too mechanical to allow for the broad discretion necessary in order to permit courts to make just and equitable divisions of property in divorce cases. *McNabney v. McNabney*, 105 Nev. 652, 782 P.2d 1291 (1989).

An infinity of facts and circumstances bear upon these statutory considerations, and each case must be decided individually and on its own merits, although courts may use equal division of community property as a starting point, there is nothing in this section that states or suggests that property must be divided evenly or that one party or the other should have an added burden of proof in establishing what is just and equitable. *McNabney v. McNabney*, 105 Nev. 652, 782 P.2d 1291 (1989).

Apportionment of community interest in separate property. - In making a disposition of community property the court shall divide the property in a just and equitable manner; to effectuate such a result in cases where a spouse devotes his or her time, labor, and skill to the production of income from separate property, the Nevada Supreme Court has adopted the methods of apportionment from the California cases of *Pereira v. Pereira*, 156 Cal. 1, 103 P. 488 (1909) and *Van Camp v. Van Camp*, 53 Cal. App. 17, 199 P. 885 (1921). The preferred method is that suggested in the *Pereira* case that is, to allocate a fair return on the spouse's separate property investment as separate property and to allocate the excess to the community. The "Pereira" approach is to be applied unless the owner of the separate estate can show that the "Van Camp" approach is more likely to accomplish justice. The "Van Camp" approach is used when the community has been fully compensated for the spouse's community labor through the spouse's salary and related benefits. *Schulman v. Schulman*, 92 Nev. 707, 558 P.2d 525 (1976).

Classifying the wife's share of the community asset as limited temporary spousal support was an error because the spousal award, unlike an interest in community property, is subject to possible future modification. *Wolff v. Wolff*, 112 Nev. 1355, 929 P.2d 916 (1996).

Extraterritorial effect of judgment. - The trial court has the authority to inquire into the existence of property of either spouse and to make an investigation thereof with the view of making such adjustment as will attain right and justice between the parties under all the circumstances which may attend the particular case.

While it could not render a judgment in rem passing directly upon the title to California realty, where both parties were within the jurisdiction of the court, it did have power to pass indirectly upon the title to land situated in another state; thus, where the defendant submitted to the jurisdiction of the trial court, the decree adjudicating the property rights fell within the extraterritorial effect of the judgment and decree when operating in personam. *Buaas v. Buaas*, 62 Nev. 232, 147 P.2d 495 (1944).

Limits on equitable disposition of property. - Where there were no children from the marriage and no support was ordered paid to the wife, the court's power to make an equitable disposition of property owned by the parties was limited to their community property. *Zahringer v. Zahringer*, 76 Nev. 21, 348 P.2d 161 (1960).

Under subdivision 1(b)(2) of this section, property placed in joint tenancy before July 1, 1979 is subject only to equal division unless the property is necessary for the support of spouse or children. *Campbell v. Campbell*, 101 Nev. 380, 705 P.2d 154 (1985).

Where the husband and wife purchased the house in 1977, holding title as joint tenants, no children issued from the marriage and neither party sought alimony, the district court erred in finding the house to be community property subject to equitable division under subdivision 1(b) (2) of this section. *Campbell v. Campbell*, 101 Nev. 380, 705 P.2d 154 (1985).

2. Separate and Community Property

***II.*C.*2. Separate and Community Property.**

"Justly and equitably" divide. - At divorce, district court shall justly and equitably divide a couple's community property assets and all property placed in joint tenancy after July 1, 1979. *Fick v. Fick*, 109 Nev. 458, 851 P.2d 445 (1993).

Property kept as separate property by agreement. - The trial court did not exceed its jurisdiction in awarding the husband as his separate property the amount of funds he had contributed to the purchase price of the marital home where there was uncontradicted evidence, tending to establish an agreement on the part of the wife that, in the event of a divorce, she did not wish to receive any of his property owned by him before marriage which, by necessary implication, was a recognition of the husband's right to receive the same; this constituted substantial evidence supporting overcoming the presumption of a gift from the husband to the wife or to the joint tenancy. *Giorgi v. Giorgi*, 77 Nev. 1, 358 P.2d 115 (1961).

Presumption of gift. - A finding of the trial court that the construction of a swimming pool on the husband's separate property paid for by the separate funds of the wife was presumed to be a gift from the wife to the husband of the swimming pool cost was upheld. *Hopper v. Hopper*, 80 Nev. 302, 392 P.2d 629 (1964).

The expenditure of separate funds to make additions or improvements to the wife's separate property raises the presumption that the husband intended to benefit from the wife's property. *Gorden v. Gorden*, 93 Nev. 494, 569 P.2d 397 (1977).

When separate funds of a spouse are used to acquire property in the names of the husband and wife as joint tenants, it is presumed that a gift of one-half of the value of the joint tenancy property was intended; the presumption is overcome only by clear and convincing evidence. *Gorden v. Gorden*, 93 Nev. 494, 569 P.2d 397 (1977).

Substantial evidence supported the district court's finding that stock the husband received as a gift before the marriage which he deposited into an account labeled "Joint Account Agreement with Right of Survivorship" was community property. *Schmanski v. Schmanski*, 115 Nev. 247, 984 P.2d 752 (1999).

Harmless error in land characterization. - Assuming that parties of divorce suit possessed a valid deed registering lot as joint tenancy, this section allows for the equitable division of community property and joint tenancies, and thus district court's alleged error in characterizing the land as community property was harmless. *Fick v. Fick*, 109 Nev. 458, 851 P.2d 445 (1993).

Retirement benefits earned during marriage are community property. As community property, retirement benefits are afforded certain rights which do not attach to spousal support awards. Specifically, community property is not subject to future modification whereas spousal support can be modified upon a showing of changed circumstances, remarriage, or death. *Carrell v. Carrell*, 108 Nev. 670, 836 P.2d 1243 (1992).

3. Setting Aside Separate Property

Discretion of court. - An award of alimony to the wife, as well as the setting aside of a portion of the husband's separate property, are both matters within the discretion of the trial court. *Baker v. Baker*, 76 Nev. 127, 350 P.2d 140 (1960).

It was error for the district court to fail to order that the personal separate property of each party be returned, absent some finding that the property must be awarded as support. *Dimick v. Dimick*, 112 Nev. 402, 915 P.2d 254 (1996).

Where the rights to support of a wife or minor children are involved, the words "set apart" should not be narrowly defined. *Lewis v. Lewis*, 71 Nev. 301, 289 P.2d 414 (1955).

No setting aside to do equity. - Subsection 4 of this section provides the statutory authority to the trial court to set aside the separate property of the husband for the wife, provided an actual need for support is shown and the setting aside is not used as a vehicle to do equity between the parties, as is the rule applying to community property. *Jacobs v. Jacobs*, 83 Nev. 73, 422 P.2d 1005 (1967).

The statutory power of the court to make equitable disposition of the property owned by the parties is, under this section, limited to community property. The only power of the court over the husband's separate property is to set aside such portion for the wife's support as shall be deemed just and equitable. *Thorne v. Thorne*, 74 Nev. 211, 326 P.2d 729 (1958).

Lump sum award out of separate property. - A lump sum award payable in installments out of the husband's separate property was proper to provide for the wife's support and to protect her from his attempts to liquidate, interfere, hypothecate, or give away his assets to avoid payment of alimony. *Sargeant v. Sargeant*, 88 Nev. 223, 495 P.2d 618 (1972).

Title transferred for support. - If, in the proper accomplishment of the primary object of the statute, i.e., the support of the wife and children, it is reasonably necessary to invest the wife with the husband's title to property, if, in other words, without an investiture of the title, the object of the statute will be defeated, then the statute permits such investiture in the wife, as one of the means of securing her support. *Powell v. Campbell*, 20 Nev. 232, 20 P. 156 (1889).

Rule of lis pendens. - In an action for divorce, where the complaining wife alleged her necessities and the defendant's abilities, and asked that certain particularly described real estate be set apart and decreed to her for her support, the rule of lis pendens could be invoked by the wife against one who purchased pendente lite, with actual notice of the divorce suit and other facts. *Powell v. Campbell*, 20 Nev. 232, 20 P. 156 (1889).

D. Appellate Review

Before the Supreme Court will interfere with the trial judge's disposition of the community property of the parties or an alimony award, it must appear on the entire record in the case that the discretion of the trial judge has been abused. *Fenkell v. Fenkell*, 86 Nev. 397, 469 P.2d 701 (1970).

Before the Supreme Court will interfere with the trial judge's disposition of the community property of the parties or an alimony award, it must appear on the entire record in the case that the discretion of the trial judge has been abused. *Shane v. Shane*, 84 Nev. 20, 435 P.2d 753 (1968).

Courts in this state are granted broad discretion by statute to determine the equitable distribution of community property assets and to award alimony. Before the Supreme Court will interfere with the trial judge's disposition of the community property of the parties or an alimony award, it must appear on the entire record in the case that the discretion of the trial judge has been abused. The decision of the trial judge should be upheld if a review of the record indicates that the judge after considering all the evidence in the record made a fair, just and equitable award. *Johnson v. Steel, Inc.*, 94 Nev. 483, 581 P.2d 860 (1978).

A decision supported by substantial evidence will not be reversed. - Where a trial court, sitting without a jury, has made a determination upon the basis of conflicting evidence, that determination regarding community property or alimony should not be disturbed on appeal if it is supported by substantial evidence. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973).

Remand unnecessary to correct oversight. - Where it was clear from the minute order of the court, following trial, that the court meant to award an automobile which was community property to the husband, and the fact that the written decree was silent in this respect was apparently mere oversight, under the circumstances a modification of the decree was proper, and a remand for action by the trial

court would have been unnecessary and an undue complication of proceedings. *Lockett v. Lockett*, 75 Nev. 229, 338 P.2d 77 (1959).

When the appeal is from part only of the judgment, order or decree, the general rule is that the part not appealed from is not subject to review; consequently, plaintiff could not be estopped from appealing from that part of the judgment finding certain property to be community property by the fact that she has done as she pleased with property determined by the trial court to be separate property, but such judgment as to the separate property, not having been appealed, was not subject to review. *Cunningham v. Cunningham*, 60 Nev. 192, 105 P.2d 398 (1940).

III. Costs of Litigation

District court may award reasonable attorney's fees. - A district court may, in a divorce action, award reasonable attorney's fees to either party. Such an award lies within the sound discretion of the district court and will not be overturned on appeal absent an abuse of discretion. *Carrell v. Carrell*, 108 Nev. 670, 836 P.2d 1243 (1992).

The award of attorney's fees in divorce actions is made neither automatic nor compulsory by this section, but is within the sound discretion of the trial court. *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980).

An award or denial of attorneys' fees in divorce proceedings lies within the sound discretion of the trial judge and, absent evidence of abuse, the trial court's determination will not be disturbed on appeal. *Burr v. Burr*, 96 Nev. 480, 611 P.2d 623 (1980).

Post-divorce proceedings. - Attorney fees may be awarded in post-divorce proceedings. *Duff v. Foster*, 110 Nev. 1306, 885 P.2d 589 (1994) overruled. *Halbrook v. Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998).

But fees must be sought in the pleadings. - The district court committed error when it awarded attorney fees to wife where nowhere in her pleadings did she request or apply for attorney fees. *Fenkell v. Fenkell*, 86 Nev. 397, 469 P.2d 701 (1970).

No showing of necessitous circumstances required. - A district court may allow reasonable attorney fees in an action for divorce if they are in issue under the pleadings; the wife is not required to show necessitous circumstances to support the court's award of attorney fees, and such award is within the sound discretion of the trial court. *Braddock v. Braddock*, 91 Nev. 735, 542 P.2d 1060 (1975).

No attorney's fees for dismissed appeal. - No authority exists which would allow a district court to award attorney's fees for defending an appeal which had been dismissed six months previously. *Korbel v. Korbel*, 101 Nev. 140, 696 P.2d 993 (1985).

"Action" includes proceedings relating to property settlements. - Under subdivision 3 of this section, which permits the court to "award a reasonable attorney's fee to either party to an action for

divorce if those fees are in issue under the pleadings," the phrase "an action for divorce" includes bifurcated proceedings relating to the parties' property settlement. *Smith v. Smith*, 100 Nev. 610, 691 P.2d 428 (1984).

Whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award reasonable attorney's fees to either party in an action for divorce if attorneys' fees are in issue under the pleadings. *Leeming v. Leeming*, 87 Nev. 530, 490 P.2d 342 (1971).

Reviewing court must rely on record where no findings regarding award. - If the district court awards attorney's fees but makes no findings regarding the award, the Supreme Court must rely on an examination of the record to determine if the district court has abused its discretion. *Carrell v. Carrell*, 108 Nev. 670, 836 P.2d 1243 (1992).

Abuse of discretion. - Where the court made no findings with regard to its award of \$6,001.00 in attorney's fees and no support for this award could be found on review, the district court abused its discretion. *Carrell v. Carrell*, 108 Nev. 670, 836 P.2d 1243 (1992).

Grant of attorney fees based on sealed billing statements unfairly precluded husband from disputing the amount and legitimacy of the award; on remand husband must be allowed to review and dispute the expenses contained within the billing statement. *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

Costs can be payable out of community property. - The trial court in a divorce action did not abuse its discretion in ordering the costs of the litigation paid out of the community property before the division thereof. *Fox v. Fox*, 81 Nev. 186, 401 P.2d 53 (1965).

IV. Remarriage or Death

The right to support terminates on death. - The right to support which is given by statute to a wife who has obtained a divorce is purely personal and terminates upon her death. *Foy v. Smith's Estate*, 58 Nev. 371, 81 P.2d 1065 (1938).

Alimony issue did not abate despite husband's untimely death. - Where wife alleged that it was error for the trial court not to have "otherwise ordered" permanent or lump sum alimony, this aspect of wife's appeal did not abate despite husband's untimely death. *Daniel v. Baker*, 106 Nev. 412, 794 P.2d 345 (1990).

The term "remarriage," as used in the divorce decree and subdivision 5 of this section, means the solemnization or ceremony of remarriage, without regard to whether the remarriage is later determined to be void or voidable. *Shank v. Shank*, 100 Nev. 695, 691 P.2d 872 (1984).

Alimony regardless of remarriage. - A finding of a trial court that its decree required payment of alimony for the first 10 years regardless of the remarriage of the wife would be affirmed. *Wilde v. Wilde*, 74 Nev. 170, 326 P.2d 415 (1958).

Only alimony terminates upon remarriage. - The provision of this section that in the event of the subsequent remarriage of the wife, all alimony awarded by the decree shall cease, unless it shall have been otherwise ordered by the court, applies only to "alimony" awarded by the decree and to installment payments of a property settlement. *Krick v. Krick*, 76 Nev. 52, 348 P.2d 752 (1960).

When the court "otherwise ordered". - Where the language of a decree provided specifically that monthly payments should be made by the husband during the wife's life, even if the monthly payments were construed to be alimony, this section would not be authority for the payments to cease upon the wife's remarriage, as the trial court "otherwise ordered" that the payments continue during the wife's life. Furthermore, under the agreement of the parties, such payments were in lieu of property rights arising from the marital relationship rather than alimony. *Krick v. Krick*, 76 Nev. 52, 348 P.2d 752 (1960).

V. Modification

Where the issue of property was not adjudicated at the trial, it cannot be the subject of a subsequent modification proceeding without an express stipulation. *Kai Sing Lam v. Neng Yee Lam*, 86 Nev. 908, 478 P.2d 146 (1970).

Time limit on modification. - Absent specific authorization for continuing jurisdiction over property rights in divorce matters, NRCP 60(b) governs motions to modify property rights established by divorce decrees so that the district court was without jurisdiction to modify a divorce decree concerning property distributions where the motion to modify was filed three years after the decree was entered. *Kramer v. Kramer*, 96 Nev. 759, 616 P.2d 395 (1980).

Judgment in a divorce case making a division of the property of the parties became final upon the expiration of six months after its entry and the court therefore was without jurisdiction to modify the judgment so as to relieve husband from that obligation imposed by the judgment of paying the balance remaining on the dwelling awarded to the wife as her separate property. Fact that the judge who presided over the divorce trial and who signed the judgment may have thought that the wife and the minor children would live in this home could not convert the nature of this award to child support, which would be subject to modification, in view of the judge's express findings that the wife was to have said property as her sole and separate property without any conditions requiring habitation therein or restricting the sale thereof. *Schmutzer v. Schmutzer*, 76 Nev. 123, 350 P.2d 142 (1960).

Modification is proper after expiration of payment term. - Where the supporting spouse is in arrears at the expiration of the original alimony term, modification of the alimony award is proper after the expiration of the original alimony term. *Siragusa v. Siragusa*, 108 Nev. 987, 843 P.2d 807 (1992).

A supporting spouse cannot take advantage of his own failure to comply with his alimony obligations to shield him from subsequent modification of the alimony award. *Siragusa v. Siragusa*, 108 Nev. 987, 843 P.2d 807 (1992).

Trial courts are empowered to modify decrees of divorce relative to support of minor children as may seem necessary and proper at any time during their minority, whether or not jurisdiction for such purpose was expressly retained in the decree. In modifying such decrees of divorce a court exercises the discretionary powers conferred upon it by statute. *Schmutzer v. Schmutzer*, 76 Nev. 123, 350 P.2d 142 (1960).

The court can look to a party's situation. - Where divorced husband and father who sought a reduction in alimony and child support could have obtained his own relief by disposing of two of the three automobiles owned by himself and his new family, the trial court's refusal to modify his alimony and support payments was not an abuse of discretion. *Edwards v. Edwards*, 82 Nev. 392, 419 P.2d 637 (1966).

Discharged property settlement obligation may be "changed circumstance." - A district court may consider a spouse's discharged property settlement obligation as a "changed circumstance" in ruling upon a motion for modification of alimony. *Siragusa v. Siragusa*, 108 Nev. 987, 843 P.2d 807 (1992).

The trial court in no instance is bound by the written agreement of the parties to a divorce action. It may or it may not adopt, according to its judgment, wisdom, and discretion, such written agreement if it deems the same to satisfactorily care for the interests of the respective parties to the action and the minor children, if any. It is not bound to do so, however, and may, in its discretion, cast aside and refuse to adopt any such agreement which the parties might have, with the utmost good faith, entered into. *Lewis v. Lewis*, 53 Nev. 398, 2 P.2d 131 (1931).

The parties to a divorce are powerless to bind themselves to any agreement regarding past divorce support payments; the power of the divorce court is unaffected by the parties' attempts to fix support obligations. *Joslin v. Commissioner*, 424 F.2d 1223 (7th Cir. 1970).

Survival of support clauses. - The support clause in a separation agreement should, in accordance with ordinary contract principles, survive a subsequent decree if the parties so intended, and if the court directs such survival. *Ballin v. Ballin*, 78 Nev. 224, 371 P.2d 32 (1962).

Subsection 4 of NRS 123.080 does not apply to a decree directing survival of an approved agreement; the installment payment provisions of the agreement survive such decree; the post-divorce level of support is controlled by the agreement; the decree does not constitute an installment judgment for alimony and support under this section; and the court does not have jurisdiction to reduce or terminate installment payments under the agreement for support and maintenance. *Ballin v. Ballin*, 78 Nev. 224, 371 P.2d 32 (1962).

Motion to modify after receipt of final payment due but before payment period ends. - Although payor spouse may have made his final alimony payment at the beginning of the month, the actual term of support did not end until the end of the month. Therefore, because payee spouse filed her motion in the same month, district court had jurisdiction to consider it; to hold otherwise would allow a payor spouse to deprive the court of jurisdiction simply by making advance payments. *Schryver v. Schryver*, 108 Nev. 190, 826 P.2d 569 (1992).

Only agreements merged into the decree are modifiable. - Where the parties entered into a

property settlement agreement between the time of filing the complaint and the entry of the divorce decree, but, that agreement was not merged into the divorce decree, it was therefore not subject to modification by the district court in the absence of a stipulation by the parties. *Gilbert v. Warren*, 95 Nev. 296, 594 P.2d 696 (1979).

Post-divorce cohabitation. - Under the "economic needs" test, post-divorce cohabitation is a change in circumstances supporting modification of an award of spousal support only if the recipient spouse's need for the support decreases as a result of the cohabitation; shared living arrangements, unaccompanied by evidence of a decrease in the actual financial needs of the recipient spouse are generally insufficient to support alimony modification. *Gilman v. Gilman*, 114 Nev. 416, 956 P.2d 761 (1998).

Ex-husband failed to establish ex-wife's actual financial needs were reduced because of her cohabitation with another man; ex-wife was unable to pay agreed-upon amounts of rent and household expenses to her cohabitant and was forced to borrow other sums from him, due to ex-husbands's failure to timely pay spousal and child support and failure to turn over previously divided marital assets. *Gilman v. Gilman*, 114 Nev. 416, 956 P.2d 761 (1998).

Where divorce decree provided for modification of alimony in the event ex-wife cohabited with "an adult male man who significantly contributes to her support", and wife lived with a man and used her alimony payments to support that man, ex-husband was bound by the terms of the agreement and was not entitled to seek alimony reduction under this section. *Gilman v. Gilman*, 114 Nev. 416, 956 P.2d 761 (1998).

RESEARCH REFERENCES

Propriety and effect of undivided award for support of more than one person. 2 A.L.R.3d 596.

Provision of contract or stipulation waiving wife's right to counsel fees in event of divorce or separation action. 3 A.L.R.3d 716.

Court's establishment of trust to secure alimony or child support in divorce proceedings. 3 A.L.R.3d 1170.

Necessity and sufficiency of notice and hearing as to allowance of suit money or counsel fees in divorce or other marital action. 10 A.L.R.3d 280.

Spouse's acceptance of payments under alimony or property settlement or child support provisions of divorce judgment as precluding appeal therefrom. 29 A.L.R.3d 1184.

Wife's right to award of counsel fees in final judgment of trial or appellate court as affected by the fact that judgment was rendered against her. 32 A.L.R.3d 1227.

Power of divorce court to deal with real property located in another state. 34 A.L.R.3d 962.

Right of child to enforce provisions for his benefit in parents' separation or property settlement agreement. 34 A.L.R.3d 1357.

Mutual mistake as to tax consequences as ground for relief against property settlement. 39 A.L.R.3d 1376.

Annulment of later marriage as reviving prior husband's obligation under alimony decree or

separation agreement. 45 A.L.R.3d 1033.

Consideration of tax liability or consequences in determining alimony or property settlement provisions. 51 A.L.R.3d 461; 9 A.L.R.5th 568.

Withholding visitation rights for failure to make alimony or support payments. 51 A.L.R.3d 520; 65 A.L.R.4th 1155.

Increase in allowance for alimony, separate maintenance, or support. 52 A.L.R.3d 156.

Effect of remarriage of spouses to each other on permanent alimony provisions in final divorce decree. 52 A.L.R.3d 1334.

Accountability for goodwill of professional practice in action arising from divorce or separation. 52 A.L.R.3d 1344; 76 A.L.R.4th 1025; 79 A.L.R.4th 171.

Remarriage pending appeal as precluding party from attacking property settlement of divorce decree. 55 A.L.R.3d 1299.

Provision in divorce decree that one party obtain or maintain life insurance for benefit of other party or child. 59 A.L.R.3d 9.

Power of court to modify decree for alimony or support to spouse which was based on agreement of parties. 61 A.L.R.3d 520.

Propriety of consideration of, and disposition as to, third persons' property claim in divorce litigation. 63 A.L.R.3d 373.

Divorce decree purporting to award life insurance to husband as terminating wife-beneficiary's rights notwithstanding failure to formally change beneficiary. 70 A.L.R.3d 348.

Evaluation of interest in law firm or medical partnership for purposes of division of property in divorce proceedings. 74 A.L.R.3d 621.

Provision in divorce decree requiring husband to pay certain percentage of future salary increases as additional alimony or child support. 75 A.L.R.3d 493.

Right to allowance of permanent alimony in connection with decree of annulment. 81 A.L.R.3d 281.

Adulterous wife's right to permanent alimony. 86 A.L.R.3d 97.

Fault as consideration in alimony, spousal support, or property division awards pursuant to no-fault divorce. 86 A.L.R.3d 1116.

Pension or retirement benefits as subject to award or division by court in settlement of property rights between spouses. 94 A.L.R.3d 176.

Propriety in divorce proceedings of awarding rehabilitative alimony. 97 A.L.R.3d 740.

Divorced woman's subsequent sexual relations or misconduct as warranting, alone or with other circumstances, modification of alimony decree. 98 A.L.R.3d 453.

Action based upon reconveyance, upon promise of reconciliation, of property realized from divorce award settlement. 99 A.L.R.3d 1248.

Spouse's professional degree or license as marital property for purposes of alimony, support, or property settlement. 4 A.L.R.4th 1294.

Laches or acquiescence as defense, so as to bar recovery of arrearages of permanent alimony or child

support. 5 A.L.R.4th 1015.

Husband's death as affecting periodic payment provision of separation agreement. 5 A.L.R.4th 1153.

Initial award or denial of child custody to homosexual or lesbian parent. 6 A.L.R.4th 1297.

Appointment or discharge of receiver for marital or community property necessitated by suit for divorce or separation. 15 A.L.R.4th 224.

Effect of trial court giving consideration to needs of children in making property division - Modern status. 19 A.L.R.4th 239.

Validity and enforceability of escalation clause in divorce decree relating to alimony and child support. 19 A.L.R.4th 830.

Spouse's liability, after divorce, for community debt contracted by other spouse during marriage. 20 A.L.R.4th 211.

Excessiveness or adequacy of amount of money awarded for alimony and child support combined. 27 A.L.R.4th 1038.

Excessiveness or adequacy of amount of money awarded as permanent alimony following divorce. 28 A.L.R.4th 786.

Property settlement agreements as affecting divorced spouse's right to recover as named beneficiary under former spouse's life insurance policy. 31 A.L.R.4th 59.

Proper date for valuation of property being distributed pursuant to divorce. 34 A.L.R.4th 63.

Reconciliation as affecting decree for limited divorce, separation, alimony, separate maintenance or spousal support. 36 A.L.R.4th 502.

Spouse's right to discovery of closely held corporation records in divorce proceedings. 38 A.L.R.4th 145.

Spouse's dissipation of marital assets prior to divorce as factor in divorce court's determination of property division. 41 A.L.R.4th 416.

Equitable distribution - generally. 41 A.L.R.4th 481.

Treatment of stock options for purposes of dividing marital property. 46 A.L.R.4th 640.

Valuation of stock options for purposes of divorce court's property distribution. 46 A.L.R.4th 689.

Divorced or separated spouse's living with member of opposite sex as affecting other spouse's obligation of alimony or support under separation agreement. 47 A.L.R.4th 38.

Necessity that divorce court value property before distributing it. 51 A.L.R.4th 11.

Method of valuation of life insurance policies in connection with trial court's division of property in divorce or separation. 54 A.L.R.4th 1203.

Excessiveness or adequacy of combined property division and spousal support awards. 55 A.L.R.4th 14.

Propriety of property distribution leaving both parties with substantial ownership interest in same business. 56 A.L.R.4th 862.

Right to jury trial in state court divorce proceedings. 56 A.L.R.4th 955.

Divorce order requiring that party not compete with former marital business. 59 A.L.R.4th 1075.

Real estate or trust property in which interest vested before marriage and was realized during marriage. 60 A.L.R.4th 217.

Treatment and method of valuation of future interest in real estate or trust property not realized during marriage. 62 A.L.R.4th 107.

Prejudgment interest awards in divorce cases. 62 A.L.R.4th 156.

Power to modify spousal support award for a limited term, issued in conjunction with divorce, so as to extend the term or make the award permanent. 62 A.L.R.4th 180.

Voluntary contributions to child's education expenses as factor justifying modification of spousal support award. 63 A.L.R.4th 436.

Lis pendens as applicable to suit for separation or dissolution of marriage. 65 A.L.R.4th 522.

Withholding visitation rights for failure to make alimony or support payments. 65 A.L.R.4th 1155.

Enforceability of separation agreement affecting property rights upon death of one party prior to final judgment of divorce. 67 A.L.R.4th 237.

Effect of court order prohibiting sale or transfer of property on party's right to change beneficiary of insurance policy. 68 A.L.R.4th 929.

Propriety of using contempt proceeding to enforce property settlement award or order. 72 A.L.R.4th 298.

Goodwill in medical or dental practice as property subject to distribution on dissolution of marriage. 76 A.L.R.4th 1025.

Valuation of goodwill in accounting practice for purposes of divorce court's property distribution. 77 A.L.R.4th 609.

Goodwill in accounting practice as property subject to distribution on dissolution of marriage. 77 A.L.R.4th 645.

Accrued vacation, holiday time, and sick leave as marital or separate property. 78 A.L.R.4th 1107.

Death of obligor spouse as affecting alimony. 79 A.L.R.4th 10.

Goodwill in law practice as property subject to distribution on dissolution of marriage. 79 A.L.R.4th 171.

What constitutes order made pursuant to state domestic law for purposes of qualified domestic relations order exception to antialienation provision of Employee Retirement Income Security Act of 1974 (29 USCS § 1056(d)). 79 A.L.R.4th 1081.

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Joinder of tort action between spouses with proceeding for dissolution of marriage. 4 A.L.R.5th 972.

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Validity and construction of provisions for arbitration of disputes as to alimony or support payments

or child visitation or custody matters. 38 A.L.R.5th 69.

Copyright, patent, or other intellectual property as marital property for purposes of alimony, support, or divorce settlement. 80 A.L.R.5th 487.

Spouse's cause of action for negligent personal injury, or proceeds therefrom, as separate or community property. 80 A.L.R.5th 533.

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