

**Culculoglu v. Culculoglu, No. 67781, Order of Affirmance (Unpublished Disposition
June 6, 2016)
SC UNPUB**

The award of attorney's fees under Sargeant was not improper because appellant was the primary income earner during the parties' marriage, respondent was a stay-at-home mother, and appellant was at least capable of earning \$13,292.67 Canadian monthly.

Sargeant attorney fees can be construed as support because they allow the less affluent spouse to meet his or her adversary on equal grounds in court and ensure that the less affluent spouse is not left with an attorney fees debt after the divorce that leaves him or her in a lower station of life than he or she enjoyed during the marriage. [Emphasis added]

The attorney fees award was not a sanction against the appellant for not retaining counsel; the district court considered appellant's pro se litigation practices and how they contributed to an increase in respondent's legal expenses in determining that respondent's legal expenses were reasonable. Moreover, the district court did not err in ordering appellant to pay the attorney fees award out of his separate property under NRS 125.150(4).

The district court also properly considered the NRS 125.480(4) best-interest-of-the-children factors and concluded that as a result of appellant's controlling behavior, the parents' ability to coparent was diminished requiring a primary physical custody award and that it was in the children's best interests that respondent have primary physical custody.

The district court did not abuse its discretion in ordering that appellant's attorney fees related to the Hague case that were charged to the parties' credit card were appellant's separate property because the debt was incurred after the parties had separated and it did not benefit the community.