

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARILYN ANN ULDRICKS,
Appellant,
vs.
TEDDY JAMES ULDRICKS,
Respondent.

No. 80366-COA

FILED

APR 12 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marilyn Ann Uldricks appeals from a decree of divorce. Eighth Judicial District Court, Family Court Division, Clark County; Bill Henderson, Judge.¹

In the proceedings below, respondent Teddy Uldricks filed a complaint for divorce and Marilyn filed an answer and counterclaim. At the case management conference, the district court referred the parties to mediation, but they later stipulated to attend a judicial settlement conference before Judge Henderson in lieu of the mediation. During the settlement conference, the parties were both represented by counsel and negotiated the terms of their divorce, including the division of the community property and debts, the division of Teddy's retirement benefits, and the terms of Teddy's alimony payments to Marilyn. The parties, through counsel, then placed the terms of their negotiation on the record and both parties were canvassed regarding their understanding and

¹Although this matter was assigned to the Honorable Rebecca Burton, the Honorable Bill Henderson presided over the settlement conference and ultimately accepted the parties' settlement terms and entered the decree of divorce.

agreement to the terms. Notably, Marilyn expressed concerns regarding her understanding of the terms several times. Each time, counsel and the district court reiterated the terms to ensure Marilyn understood and consented to the terms as described. When the terms were clarified for Marilyn, she either agreed to the terms as read or the parties further negotiated until they reached new terms, which Marilyn subsequently agreed to on the record.

Due to Marilyn expressing her confusion several times during the canvass, the district court asked Marilyn to repeat back her understanding of the terms, which she did. Following a lengthy period of negotiations and canvassing regarding the terms, the district court found that Marilyn fully and satisfactorily understood the terms of the settlement agreement, accepted and adopted the negotiations, and thus the court granted the parties a decree of divorce based upon the terms and conditions read into the record. This appeal followed.

This court reviews the district court's decisions in divorce proceedings for an abuse of discretion. *Williams v. Williams*, 120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004). This court will not disturb a district court's decision that is supported by substantial evidence. *Id.* Substantial evidence is that which a reasonable person may accept as adequate to sustain a judgment. *Id.*

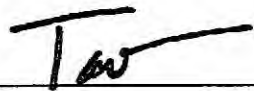
On appeal, Marilyn challenges the decree of divorce, asserting that she was denied due process and that the terms of the stipulated decree are unconscionable because she lacked the capacity to enter into the negotiations and lacked the capacity to understand that a final decree was being entered. But based on our review of the record, there is nothing to indicate that Marilyn—who was represented by counsel at the settlement

conference—raised these capacity issues during the course of the settlement conference or canvass. There is likewise no indication that these points were raised through a post-judgment motion to challenge the validity of the decree. As a result, these arguments are not properly before and cannot be considered on appeal.² See *Durango Fire Prot. v. Troncoso*, 120 Nev. 658, 661, 98 P.3d 691, 693 (2004) (noting that the appellate courts generally will not address issues raised for the first time on appeal).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

²While we cannot consider Marilyn's arguments regarding her capacity to participate in the negotiations and to enter into the agreement in this appeal, we note that nothing in this order precludes Marilyn from properly raising these issues through an appropriate post-judgment motion in the district court, so that the district court can resolve those issues in the first instance. Under these circumstances, we make no comment on the merits of Marilyn's arguments on these points.

³Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Bill Henderson, District Judge, Family Court Division
Gallagher Attorney Group, LLC
Roberts Stoffel Family Law Group
Eighth District Court Clerk