

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE OSCAR SALAZAR,
Appellant,
vs.
AGUSTINA CERVANTES LANDA
Respondent.

No. 83111

FILED

DEC 26 2021

BY *Angela*
CLERK OF THE COURT

**RESPONDENT'S RESPOND TO APPEAL FROM DECREE OF DIVORCE AND
PLAINTIFF'S MOTION TO RECONSIDER**

Eight Judicial District Court of the State of Nevada
In and for the county of Clark
THE HONORABLE DAWN THORNE DISTRICT COURT JUDGE
RESPONDENT'S RESPOND TO APPELLANT'S OPENING BRIEF

Agustina Cervantes Landa
1600 Ardmore Street
Las Vegas, NV 89104
(702) 344-7525



21-37102

State of the Issues

- A. Did the court err in calculating Jose's monthly alimony payments to Agustina?
- B. Did the district court err in calculation Agustina monthly alimony payment to Agustina?
- C. Did the district court err in not including alimony income in its child support calculation?
- D. Did the district court err in calculating Agustina's alimony award?
- E. Did the district court abuse its discretion in determine Jose's and Agustina financial condition
- F. Did the District court abuse its discretion in determine the duration of the marriage?
- G. Did the District court abuse its discretion in determining Agustina's earning capacity?
- H. Did the district court err in awarding the property at 1600 Ardmore Street as Agustina sole and separate property?

Statements of the Facts

Jose and Agustina were married on March 12, 2001 in Las Vegas, NV. At the time Jose filed for divorce, on August 27, 2019 the couple had been married for 19 years of marriage. The parties were not legally married but living together. Jose purchased a home in 1999 at 1600 Ardmore Street. In 1999 when Jose purchased the home Agustina Cervantes Landa gave \$10,000.00 dollars to cover the down payment of the purchased of said home. At the time the property located at 1600 Ardmore Street was purchased Agustina was expecting the parties first child.

Approximately in the year 2001 Agustina was deported to Mexico. However Jose and Agustina continued their relationship. Jose traveled to Mexico to see Agustina several times. They had 3 more minor children during her stay in Mexico she traveled to Texas to Deliver the parties minor children and return to Mexico with the parties minor children. During this term Jose provided financially 100% for Agustina and their minor children. Jose is named as the Father in all of the minor children's birth certificates.

In the year of 2011 they all reunited as a family in Las Vegas, Nevada. They lived together as a family until Jose filed for Divorce on or about the year 2020. Agustina moved out of the marital residence in or about May, 2020. Even after Jose had filed for Divorce he still resided with Agustina.

Now more importantly, Agustina lived with Jose as Husband and Wife during all the term of their marriage. They have 5 children in total that were born during the term of their marriage. They have unreconcilable differences and can no longer be married. However community property was obtained during the term of the marriage in addition due to Agustina current disability she was granted alimony in the Divorce Decree.

Therefore, Agustina responds as follow to Jose's brief/ and or allegations:


The children born during the parties marriage were are biologically Jose Oscar Salazar as proof he appears in all of the children births certificates. Regardless if they lived in Las Vegas or in Mexico they were always acting as Husband and Wife. Jose took care of Agustina and their children when they lived in Mexico. He will forward them money transfer in a weekly basis during their stay in Mexico. His allegations now is clearly only to try to avoid paying child support and/or alimony. Agustina is had an slip and fall accident approximately in the year 2015.

She had health issues and disabilities after the slip and fall and approximately in the August, 2019 she was disabled permanently. She is not able to work a full time job is currently working 3 days a week and is only a part time not to exceed 6 hours due to her health issues. The alimony she was granted in Family Court should be continue due to her health issues. The community property should be split between Jose and Agustina. In addition Jose owes utilities of sewer and trash that exceeds the sum of \$2,000.00 dollars. The parties have 3 minor children and Agustina child support should be reduced according to her monthly income. Agustina is also requesting for attorney fees to be reimbursed and or the alternative to have Jose pay 50% of her attorney fees to have equal legal footing in Court. At this time AGUSTINA is unable to pay for an attorney fees because this legal action has brought her a financial hardship and is requesting this Honorable Court to represent her self in this legal action. AGUSTINA has tried to settled all the above mentioned issues with Jose several times without success. Therefore, AGUSTINA respectfully request the above.

Conclusion

Agustina hereby prays for the above to be granted. For a Judgement of the parties community property; to grant her sole and separate property for the real property located at 1600 Ardmore Street, Las Vegas, NV 89104; Judgement for Jose to pay the current sewer and trash utilities; For the sum of \$600.00 alimony to be paid by Jose to Agustina for the next 10 years; Reimbursement for Attorney Fees; and for this Court to grant Agustina the ability to represent her self since she can not afford an attorney at this time.

Dated: this 20 day of December, 2021.




Agustina Cervantes Landa, in Proper Person

CERTIFICATE OF MAILING

I, Agustina Cervantes Landa, hereby certify that on the 20th day of December, 2021. I served a true and correct copy **RESPONDENT'S RESPOND TO APPEAL FROM DECREE OF DIVORCE AND PLAINTIFF'S MOTION TO RECONSIDER** as follow: by United States mail in Las Vegas, Nevada with First Class postage prepaid and addressed as follows:

**Emily McFarling, Esq.
6230 W. Desert Inn Road
Las Vegas, NV 89146**

Dated: this 20 day of December, 2021.



Agustina Cervantes Landa, In Proper Person