

SUPREME COURT OF THE STATE OF MONTANA

Gordon v. Gordon

2006 MT 222N (2006) · No. DA 06-0070 · Decided September 6, 2006

SUMMARY

The Montana Supreme Court reviewed an appeal from a marital dissolution judgment involving the division of the parties' marital estate and liabilities. The court held that substantial evidence supported the District Court's findings, the legal issues were controlled by settled Montana law, and there was no abuse of discretion. The judgment was affirmed in a noncitable memorandum decision.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Brian Morris; Karla M. Gray; Patricia Cotter; W. William Leaphart; John Warner
JURISDICTION	Montana
DECIDED	September 6, 2006
DOCKET	DA 06-0070
DISPOSITION	affirmed
PROCEDURAL POSTURE	Billy James Gordon appealed the Montana District Court's findings of fact, conclusions of law, order dissolving the parties' marriage, and division of the marital estate.
STANDARD OF REVIEW	The Supreme Court reviews dissolution proceedings and property distributions to determine whether the district court acted arbitrarily, without conscientious judgment, or beyond the bounds of reason resulting in substantial injustice. The district court may adopt any reasonable property valuation supported by the record.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision; not citable as precedent under the Montana Supreme Court's Internal Operating Rules.
PARTIES	Billy James Gordon v. Tammy Ann Gordon

TOPICS

- dissolution of marriage
- equitable distribution
- appellate procedure
- standard of review
- family law procedure

PRACTICE AREAS

family law

appellate procedure

real estate

QUESTIONS PRESENTED

1. Whether the District Court improperly adopted Tammy's amended proposed findings of fact and conclusions of law.
2. Whether substantial evidence supported the District Court's findings and whether the court misapprehended the evidence or made material factual errors.
3. Whether the District Court abused its discretion in determining the marital estate, valuing the property and liabilities, and distributing the marital estate.

HOLDINGS

1. A district court may adopt a prevailing party's proposed findings and conclusions when the findings are sufficiently comprehensive and pertinent to the issues and supported by the evidence.
2. The District Court did not abuse its discretion in determining, valuing, and distributing the marital estate because substantial evidence supported its findings and the distribution was not arbitrary or unreasonable.

KEY QUOTATIONS

“We review a district court’s order and dissolution proceedings to determine whether the court acted arbitrarily, without employment of conscientious judgment, or exceeded the bounds of reason resulting in substantial injustice.” (¶ 5)

“It is manifest on the face of the briefs and record before us that substantial evidence supports the District Court’s findings of fact, that the legal issues are clearly controlled by settled Montana law that the District Court correctly interpreted, and that there was no abuse of discretion by the District Court.” (¶ 6)

FACTUAL BACKGROUND

Billy and Tammy Gordon were married for twenty-four years and had no minor children. Their residence and twenty acres comprised most of the marital estate. The District Court awarded that property to Tammy, divided the remaining assets nearly equally, and assigned most liabilities to Tammy, including the mortgage on the awarded property and a short-term, high-interest credit-card debt.

PROCEDURAL HISTORY

The parties filed for dissolution after twenty-four years of marriage and had no minor children. Following a trial on April 15, 2005, the District Court entered its order on August 25, 2005, awarding the marital residence and twenty acres to Tammy and dividing the remaining assets and liabilities. Billy appealed the property distribution.

DISPOSITION

affirmed

CASES CITED

- Hurley v. Hurley, 222 Mont. 287, 296, 721 P.2d 1279, 1285 (1986)
- Collins v. Collins, 2004 MT 365, ¶ 16, 324 Mont. 500, ¶ 16, 104 P.3d 1059, ¶ 16
- In re Marriage of Bee, 2002 MT 49, ¶ 34, 309 Mont. 34, ¶ 34, 43 P.3d 903, ¶ 34
- In re Marriage of Harkin, 2000 MT 105, ¶ 31, 299 Mont. 298, ¶ 31, 999 P.2d 969, ¶ 31

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