

SUPREME COURT OF MISSISSIPPI

Sanford v. Sanford

124 So. 3d 647 (Miss. 2013) · Decided October 31, 2013

SUMMARY

The Mississippi Supreme Court considered whether the parties complied with Mississippi’s statutory requirements for an irreconcilable-differences divorce. The court held that the parties complied with neither statutory pathway because their written consent did not specifically designate issues for the chancellor to decide and their purported settlement did not resolve all property rights. The court affirmed the Court of Appeals, reversed the chancery court’s judgment, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Pierce, Justice; Waller, C.J.; Dickinson, P.J.; Randolph, P.J.; Lamar, J.; Kitchens, J.; Chandler, J.; King, J.; Coleman, J.; Pierce, J.
JURISDICTION	Mississippi
DECIDED	October 31, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On writ of certiorari to review the Court of Appeals' reversal of a chancery-court judgment granting an irreconcilable-differences divorce and enforcing a purported settlement agreement.
STANDARD OF REVIEW	A chancellor's findings are not disturbed unless manifestly wrong, clearly erroneous, or based on an erroneous legal standard; legal questions are reviewed de novo.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Leslie Sanford v. Samantha Sanford

TOPICS

- dissolution of marriage
- divorce
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- divorce
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the parties satisfied Mississippi Code section 93-5-2(2) by providing a complete written agreement settling all custody, support, and property issues.
2. Whether the parties satisfied Mississippi Code section 93-5-2(3) by filing a written, signed consent specifically designating the issues for the chancellor to decide.
3. Whether the chancery court erred in granting an irreconcilable-differences divorce when the parties had not fully complied with either statutory procedure.

HOLDINGS

1. The parties did not satisfy section 93-5-2(2) because their purported settlement did not resolve all property rights; the division of household goods remained unresolved.
2. The parties did not satisfy section 93-5-2(3) because their written, signed consent did not specifically set forth any issues for the chancellor to decide.
3. Every irreconcilable-differences divorce must proceed under either section 93-5-2(2) or section 93-5-2(3), but not both; because the parties fully complied with neither subsection, the divorce judgment was improper.

KEY QUOTATIONS

“Every divorce based on irreconcilable differences must proceed under either Section 93-5-2(2) or Section 93-5-2(3), but not both.” (at 647)

“In sum then, the parties never fully complied with either Section 93-5-2(2) or Section 93-5-2(3).” (at 654)

“Section 93-5-2(2) is designed to allow divorcing parties to completely agree and settle all issues touching the marriage.” (at 654)

“THE JUDGMENT OF THE COURT OF APPEALS IS AFFIRMED. THE JUDGMENT OF THE LAMAR COUNTY CHANCERY COURT IS REVERSED AND THE CASE IS REMANDED.” (at 654)

FACTUAL BACKGROUND

Samantha and Leslie Sanford sought an irreconcilable-differences divorce after withdrawing fault grounds. They executed a written consent initially designating issues for the chancellor under section 93-5-2(3), but then altered the document to state that all issues were settled and attempted to proceed under section 93-5-2(2). Although the parties dictated a settlement into the record and agreed to be bound by it, they left the division of household goods unresolved. Samantha later sought to withdraw her consent, while the chancery court enforced the settlement, granted the divorce, and held her in contempt.

PROCEDURAL HISTORY

Samantha Sanford filed for divorce in the Chancery Court of Lamar County. The parties initially consented to proceed under Mississippi Code section 93-5-2(3), later represented that all issues were settled and attempted to proceed under section 93-5-2(2), but left the division of household goods unresolved. The chancery court granted the divorce, incorporated the dictated settlement into the judgment, and held Samantha in contempt after

she attempted to withdraw her consent. The Court of Appeals reversed and remanded, concluding that the parties had not satisfied section 93-5-2(2). The Mississippi Supreme Court granted Leslie Sanford's petition for certiorari, affirmed the Court of Appeals, reversed the chancery court, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Chancery Court of Lamar County for further proceedings consistent with the opinion.

CASES CITED

- Sanford v. Sanford, 124 So. 3d 664 (Miss. Ct. App. 2012)
- Bougard v. Bougard, 991 So. 2d 646 (Miss. Ct. App. 2008)
- Cobb v. Cobb, 29 So. 3d 145 (Miss. Ct. App. 2010)
- Smith v. Smith, 20 So. 3d 670, 674 (Miss. 2009)
- Evans v. Evans, 994 So. 2d 765, 768 (Miss. 2008)
- Shelnut v. Department of Human Services, 9 So. 3d 359, 363 (Miss. 2009)
- Wilburn v. Wilburn, 991 So. 2d 1185, 1190 (Miss. 2008)