

SUPREME COURT OF UTAH

Richards v. Brown

274 P.3d 911 (Utah 2012) · No. No. 20090980 · Decided March 13, 2012

SUMMARY

The Utah Supreme Court held that accepting payment on an unjust-enrichment judgment did not waive the appellant's right to appeal a separate and independent claim seeking establishment of an unsolemnized marriage. The court also held that cessation of cohabitation does not necessarily terminate an unsolemnized marital relationship under Utah Code section 30-1-4.5, and remanded for further proceedings concerning when the relationship ended.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Nehring; Chief Justice Durham; Associate Chief Justice Durrant; Justice Parrish; Justice Lee
JURISDICTION	Utah
DECIDED	March 13, 2012
DOCKET	No. 20090980
DISPOSITION	affirmed
PROCEDURAL POSTURE	Diana Brown petitioned for certiorari after the Utah Court of Appeals reversed partial summary judgment against Steve Richards on his claim to establish an unsolemnized marriage. The Utah Supreme Court reviewed the court of appeals' decision for correctness.
STANDARD OF REVIEW	On certiorari, the Supreme Court reviews the court of appeals' decision for correctness, giving no deference to its conclusions of law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Steve Richards v. Diana Brown

TOPICS

- marriage
- appellate procedure
- family law procedure
- statutory interpretation
- summary judgment

PRACTICE AREAS

- Family law
- Appellate procedure
- Civil procedure
- Statutory interpretation
- Equitable remedies

QUESTIONS PRESENTED

1. Whether Richards waived his right to appeal his unsolemnized-marriage claim by accepting payment on a judgment resolving his separate unjust-enrichment claim.
2. Whether cessation of cohabitation necessarily terminates an unsolemnized marital relationship under Utah Code section 30-1-4.5 and thereby triggers the statute of repose.

HOLDINGS

1. An appellant does not waive the right to appeal a claim by accepting payment on a judgment resolving a separate and independent cause of action. Richards's acceptance of payment on the unjust-enrichment judgment therefore did not waive his appeal of the unsolemnized-marriage claim.
2. Cessation of cohabitation does not necessarily terminate an unsolemnized marital relationship under Utah Code section 30-1-4.5. The relationship terminates when one of the terminable statutory elements expressed in the present tense ceases to exist; because disputed material facts remained regarding the termination date, summary judgment was improper.

KEY QUOTATIONS

“Waiver under this “acceptance-of-benefits doctrine” is very narrow. The right to appeal is waived only for the specific claims upon which payment is accepted.” (at 915)

“Rather, it is the inequitable shifting of the burden of risk to an appellee that justifies the acceptance-of-benefits doctrine and waives an appellant's right to appeal.” (at 916-917)

“We hold that Mr. Richards did not waive his right to appeal even though he accepted payment on the unjust enrichment judgment because a claim of unjust enrichment is separate and distinct from a claim of an unsolemnized marriage.” (at 918)

“We also hold that an end to cohabitation does not necessarily terminate a relationship under the plain language of section 30-1-4.5.” (at 918)

FACTUAL BACKGROUND

Richards and Brown lived together in Brown's home beginning in 1995, had a child, shared expenses, contributed to the mortgage and held themselves out as husband and wife, but never formally married. They later ceased sexual relations, moved into separate bedrooms, and Richards moved out in 2005, although they continued some family and social activities afterward. Richards filed a petition in December 2006 seeking recognition of an unsolemnized marriage and equitable relief. The district court found Brown unjustly enriched and awarded Richards \$10,136, which Brown paid and Richards accepted.

PROCEDURAL HISTORY

Richards filed a verified petition seeking recognition of an unsolemnized marriage under Utah Code section 30-1-4.5 and equitable relief concerning Brown's home. The district court granted Brown partial summary judgment, concluding that Richards's petition was untimely because he moved out of Brown's home more than one year before filing, and later awarded Richards \$10,136 on an unjust-enrichment claim. After Brown paid that

judgment, Richards appealed. The court of appeals held that acceptance of the unjust-enrichment payment did not waive Richards's appeal and reversed the summary judgment ruling. The Utah Supreme Court granted Brown's petition for certiorari and affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Further proceedings consistent with the opinion were required to determine, based on disputed factual issues, when the unsolemnized marital relationship terminated and whether Richards's petition was timely.

CASES CITED

- R.E. v. B.B. (State ex rel. T.E.), 2011 UT 51, ¶ 16, 266 P.3d 739
- Jensen v. Eddy, 30 Utah 2d 154, 514 P.2d 1142 (1973)
- Dawson v. Bd. of Educ. of Weber Cnty. Sch. Dist., 118 Utah 452, 222 P.2d 590 (1950)
- Sierra Nev. Mill Co. v. Keith O'Brien Co., 48 Utah 12, 156 P. 943 (1916)
- Cornia v. Cornia, 80 Utah 486, 15 P.2d 631 (1932)
- Richards v. Brown, 2009 UT App 315, 222 P.3d 69
- Hollingsworth v. Farmers Insurance Co., 655 P.2d 637 (Utah 1982)
- Trees v. Lewis, 738 P.2d 612 (Utah 1987)
- State v. Davis, 2011 UT 57, 266 P.3d 765
- Marion Energy, Inc. v. KFJ Ranch P'ship, 2011 UT 50, 267 P.3d 863
- J.M.W. v. T.I.Z. (In re Adoption of Baby E.Z.), 2011 UT 38, 266 P.3d 702
- State ex rel. Z.C., 2007 UT 54, 165 P.3d 1206

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