

SUPREME COURT OF ALASKA

Sally K. Sloane v. George R. Sloane

18 P.3d 60 (Alaska 2001) · No. No. S-9195 · Decided March 2, 2001

SUMMARY

The Alaska Supreme Court affirmed the superior court’s judgment in a divorce proceeding involving valuation and division of marital property, interim spousal-support arrearages, future medical expenses, bifurcation, travel expenses, and attorney’s fees. The court held that the superior court did not clearly err or abuse its discretion in valuing a business note at ten dollars, awarding Sally Sloane fifty-seven percent of the marital estate, denying additional medical-cost and travel reimbursements, awarding \$500 in interest, and limiting attorney’s fees.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Carpeneti, Justice; Fabe, Chief Justice; Matthews, Justice; Eastaugh, Justice; Bryner, Justice
JURISDICTION	Alaska
DECIDED	March 2, 2001
DOCKET	No. S-9195
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sally Sloane appealed the superior court's divorce judgment and subsequent attorney's-fee order, challenging the valuation of a marital note, the unequal division of marital property, interest on interim spousal-support arrearages, future medical and insurance expenses, bifurcation of the divorce, litigation travel expenses, and attorney's fees.
STANDARD OF REVIEW	Marital-property valuation is reviewed for clear error; equitable distribution of marital property is reviewed for abuse of discretion and will not be disturbed unless clearly unjust; attorney's-fee awards in divorce actions are reviewed for abuse of discretion and will not be reversed unless arbitrary, capricious, or manifestly unreasonable.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential
PARTIES	Sally K. Sloane v. George R. Sloane

TOPICS

divorce equitable distribution spousal support family law procedure appellate procedure

PRACTICE AREAS

family law divorce property division spousal support appellate procedure

QUESTIONS PRESENTED

1. Whether the superior court clearly erred by valuing George's \$25,000 note from the sale of Carts and Parts, Inc. at \$10.
2. Whether the superior court abused its discretion or acted clearly unjustly by awarding Sally 57 percent rather than a greater share of the marital property.
3. Whether the superior court erred by denying additional amounts for ongoing medical expenses and COBRA premiums.
4. Whether the superior court erred by refusing to bifurcate the divorce and postpone entry of the divorce decree for insurance purposes.
5. Whether the superior court erred by denying reimbursement for Sally's travel and living expenses incurred during litigation.
6. Whether the superior court erred by awarding \$500 in interest on interim spousal-support arrearages rather than calculating interest by a specific method.
7. Whether the superior court abused its discretion by awarding Sally only \$3,186 in attorney's fees.

HOLDINGS

1. The superior court did not clearly err by valuing the \$25,000 CPI note at \$10 rather than its face value.
2. The superior court did not abuse its discretion or act clearly unjustly by awarding Sally 57 percent of the marital property.
3. The superior court did not abuse its discretion by declining to require George to pay Sally's COBRA premiums or additional future medical expenses.
4. The superior court properly refused to postpone entry of the divorce decree for three years while dividing the property immediately.
5. The superior court did not err by awarding \$500 in interest rather than using Sally's proposed calculation.
6. The superior court did not err by refusing to reimburse Sally for travel and living expenses incurred in attending the Alaska litigation.
7. The superior court did not abuse its discretion by awarding Sally \$3,186 in attorney's fees and denying additional fees.

KEY QUOTATIONS

“The superior court's equitable distribution of property "is reviewable under the abuse of discretion standard, and we will not disturb the trial court's allocation unless it is clearly unjust.”” (64)

“The court concluded that divorce should be granted when parties inform the court that they are unable to remain married, and that to delay granting divorce for financial or insurance reasons like this "would be illegal, ... kind of a fraud.”” (67)

“Having leveled the playing field, it does not make sense to hold one party liable for the litigation choices and expenses of the other.” (69)

FACTUAL BACKGROUND

Sally and George Sloane were married in 1958, had four adult children, operated several family businesses, and permanently separated in December 1996. During the marriage Sally was the primary caregiver but also had substantial administrative, accounting, and real-estate work experience, while George worked primarily as an electrical lineman. The parties sold Carts and Parts, Inc. to their son, with Sally receiving \$10,000 and George receiving a \$25,000 note that was later treated by the superior court as worth only \$10. The superior court awarded Sally 57 percent of the marital estate based principally on George's greater earning capacity, denied additional medical, relocation, and attorney's-fee requests, and awarded \$500 in interest on support arrearages.

PROCEDURAL HISTORY

George Sloane filed for divorce in December 1996. After a February 1999 trial, the superior court entered findings and conclusions awarding Sally 57 percent of the marital property, ordering payment of approximately \$23,000 in spousal-support arrearages plus \$500 interest, and later awarding her \$3,186 in attorney's fees. Sally appealed, and the Alaska Supreme Court affirmed the superior court in all respects.

DISPOSITION

affirmed

CASES CITED

- Berry v. Berry, 978 P.2d 93, 95 (Alaska 1999)
- Musser v. Johnson, 914 P.2d 1241, 1242 (Alaska 1996)
- Money v. Money, 852 P.2d 1158, 1161 (Alaska 1993)
- Brosnan v. Brosnan, 817 P.2d 478, 480-81 (Alaska 1991)
- Peters v. Juneau-Douglas Girl Scout Council, 519 P.2d 826, 833 (Alaska 1974)
- Merrill v. Merrill, 368 P.2d 546, 548 n. 4 (Alaska 1962)
- Miles v. Miles, 816 P.2d 129, 131 (Alaska 1991)
- Laing v. Laing, 741 P.2d 649, 651 (Alaska 1987)
- Broadribb v. Broadribb, 956 P.2d 1222, 1226, 1229 (Alaska 1998)
- Adamson v. Univ. of Alaska, 819 P.2d 886, 889 n. 3 (Alaska 1991)
- Davila v. Davila, 908 P.2d 1027, 1033-34 (Alaska 1995)

- Kowalski v. Kowalski, 806 P.2d 1368, 1372 (Alaska 1991)
- Lone Wolf v. Lone Wolf, 741 P.2d 1187, 1192 (Alaska 1987)
- Sanders v. Sanders, 902 P.2d 310, 318-19 (Alaska 1995)

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