

SUPREME COURT OF MONTANA

In re Marriage of Hochhalter, 2001 MT 268

37 P.3d 665 (Mont. 2001) · No. No. 00-661 · Decided December 18, 2001

SUMMARY

The Supreme Court of Montana reviewed a dissolution judgment dividing the marital estate of Dorothy and Clyde Hochhalter. The court held that the district court did not abuse its discretion by valuing the marital assets as of the parties' 1995 separation, determining and valuing the marital assets, or apportioning the estate. The court also denied Dorothy's request for attorney-fee sanctions on appeal and affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Karla M. Gray; Jim Rice; Terry N. Trieweiler; Jim Regnier; W. William Leaphart
JURISDICTION	Montana
DECIDED	December 18, 2001
DOCKET	No. 00-661
DISPOSITION	affirmed
PROCEDURAL POSTURE	Clyde Hochhalter appealed from the Fourth Judicial District Court's findings of fact, conclusions of law, and final decree dissolving the parties' marriage and dividing their marital estate.
STANDARD OF REVIEW	The court reviews findings underlying a marital-property division for clear error and, if the findings are not clearly erroneous, reviews the division for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Clyde K. Hochhalter v. Dorothy L. Hochhalter

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by valuing all marital assets as of the parties' 1995 separation rather than near the 2000 dissolution.
2. Whether the District Court improperly excluded financial accounts and rental income from the marital estate.
3. Whether the District Court abused its discretion in valuing the parties' financial accounts, pensions, and personal property.
4. Whether the District Court's slightly unequal distribution of the marital estate violated the parties' agreement to divide it equally.
5. Whether Dorothy was entitled to attorney-fee sanctions against Clyde for the appeal.

HOLDINGS

1. The District Court did not abuse its discretion by valuing the marital assets as of the parties' 1995 separation because the parties' unique circumstances showed that their marital relationship had effectively ended at that time.
2. Clyde failed to establish that the District Court improperly excluded the identified financial accounts or approximately \$30,000 in rental income from the marital estate.
3. The District Court did not abuse its discretion in valuing the financial account, pensions, or personal property challenged by Clyde.
4. A distribution that favored Dorothy by \$1,223.67, or approximately one-third of one percent of the marital estate, was sufficiently equal to satisfy the parties' agreement and was equitable under Montana law.
5. Dorothy was not entitled to sanctions or attorney fees under Rule 32, M.R.App.P., because the appeal was not entirely unfounded, intended to cause delay, or an abuse of the judicial system.

KEY QUOTATIONS

“As a general rule, “the value of the marital estate should be determined at or near the time of dissolution.””
(¶ 17)

“Accordingly, we conclude the District Court did not abuse its discretion in valuing the marital assets as of the 1995 separation.” (¶ 19)

“We conclude the distribution is sufficiently equal to meet the terms of the parties' agreement and we hold, therefore, that the District Court did not abuse its discretion in apportioning the marital estate.” (¶ 38)

FACTUAL BACKGROUND

Dorothy and Clyde Hochhalter were married in 1970 and accumulated financial accounts, real property, vehicles, personal property, and pension interests during the marriage. They separated several times and lived apart for

more than 12 years of their 29-year marriage, finally separating in January 1995. After the final separation they lived in different cities, maintained separate finances and tax returns, and made no financial or nonfinancial contributions to one another. The parties agreed to value their real property as of 1995 and to divide the marital estate equally, but disputed the inclusion and valuation of several assets.

PROCEDURAL HISTORY

The parties separated for the final time in January 1995, and Dorothy petitioned for dissolution in May 1995. The District Court entered its findings, conclusions, and decree on April 7, 2000. Clyde filed a motion and objection to the judgment, which was deemed denied by operation of law when the court did not rule within 60 days. He then appealed to the Montana Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Marriage of Geror, 2000 MT 60, 299 Mont. 33, 996 P.2d 381
- In re Marriage of Swanson, 220 Mont. 490, 716 P.2d 219 (1986)
- In re Marriage of Gebhardt, 240 Mont. 165, 783 P.2d 400 (1989)
- In re Marriage of Wagner, 208 Mont. 369, 679 P.2d 753 (1984)
- In re Marriage of Pfennigs, 1999 MT 250, 296 Mont. 242, 989 P.2d 327
- In re Marriage of Blades, 269 Mont. 198, 887 P.2d 735 (1994)
- In re Marriage of Lopez, 225 Mont. 238, 841 P.2d 1122 (1992)
- In re Marriage of Baer, 1998 MT 29, 287 Mont. 322, 954 P.2d 1125
- In re Marriage of Gallinger, 221 Mont. 463, 719 P.2d 777 (1986)
- In re Marriage of Moss, 1999 MT 62, 293 Mont. 500, 977 P.2d 322