

SUPREME COURT OF GEORGIA

Driver v. Driver

292 Ga. 800 (2013) · Decided April 15, 2013

SUMMARY

The Georgia Supreme Court affirmed a divorce judgment awarding the wife \$500,000 in equitable division of marital property and \$200,000 in lump-sum alimony. The court held that the trial court acted within its discretion in evaluating the marital estate, determining the husband's ability to pay, addressing disputed factual findings, and declining to reopen the proof. The court also noted an apparent discrepancy between the stated alimony amount and the installment payments but did not address it because the husband had not raised it as error.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Nahmias, Justice; All Justices
JURISDICTION	Georgia
DECIDED	April 15, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Husband appealed from a final judgment and decree of divorce and the denial of his post-trial motions, including a motion to reopen the proof. The Supreme Court of Georgia granted discretionary review and affirmed.
STANDARD OF REVIEW	Equitable division of marital property and alimony awards are reviewed for abuse of discretion; factual findings are reviewed under the any-evidence rule. A decision to refuse to reopen proof after the parties have closed their evidence is reviewed for manifest abuse of discretion. Whether an erroneous factual finding requires reversal is assessed under harmless-error principles.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion
PARTIES	Randall Craig Driver v. Andria Elizabeth Driver

TOPICS

- equitable distribution
- alimony
- appellate procedure
- standard of review
- family law procedure

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in equitably dividing the marital property without making a precise finding of the total value of the marital estate.
2. Whether the trial court abused its discretion in awarding Wife \$200,000 in lump-sum alimony without a specific finding regarding Husband's ability to pay or Wife's income.
3. Whether findings concerning Husband's finances and the marital estate were unsupported or clearly erroneous and required reversal.
4. Whether the trial court erred in refusing to reopen the proof to consider evidence of changes in Husband's financial condition after trial.

HOLDINGS

1. A trial court does not abuse its discretion in equitably dividing marital property when its award is supported by the evidence, even if the court does not make a precise finding of the total value of the marital estate and one spouse receives a seemingly greater share.
2. The trial court did not abuse its discretion in awarding Wife \$200,000 in lump-sum alimony because the record contained evidence of Wife's need and Husband's ability to pay.
3. An inaccurate description of the documentary source for a financial figure was harmless where the figure itself was supported by the record, and other challenged findings were adequately supported by some evidence or were not shown to be clearly erroneous.
4. The trial court did not manifestly abuse its discretion in denying Husband's motion to reopen the proof after the parties had closed their evidence.

KEY QUOTATIONS

“An equitable division of marital property does not necessarily mean an equal division.” (802)

“It is generally not error to refuse a reopening of the case after both parties have closed, and the trial court’s decision to deny a party permission will not be reversed absent a manifest abuse of discretion.” (805)

FACTUAL BACKGROUND

The parties had been married for approximately twenty years and possessed a marital estate consisting principally of commercial properties and related corporate interests and liabilities. The trial court found that Husband had obscured his financial condition by maneuvering assets, cross-collateralizing properties, and manipulating financial information, while finding that he could earn at least \$150,000 annually. Wife was awarded \$500,000 as equitable division of marital property and \$200,000 in lump-sum alimony to assist her education and transition to financial independence. After trial, Husband attempted to submit additional documents concerning worsening finances and foreclosure activity, but the trial court declined to reopen the proof.

PROCEDURAL HISTORY

Husband filed for divorce after approximately twenty years of marriage, and Wife filed an answer and counterclaim seeking custody, child support, alimony, equitable division of marital property, and attorney fees. Following a bench trial, the trial court entered a final divorce decree awarding Wife \$500,000 as equitable division of marital property and \$200,000 in lump-sum alimony payable in installments. The trial court later denied Husband's motion to reopen the proof, motion for new trial, and motion to amend or make additional findings. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Bloomfield v. Bloomfield, 282 Ga. 108, 110-111 (646 S.E.2d 207) (2007)
- Mathis v. Mathis, 281 Ga. 865, 866-867 (642 S.E.2d 832) (2007)
- Hunter v. Hunter, 289 Ga. 9, 12 (709 S.E.2d 263) (2011)
- Duncan v. Duncan, 262 Ga. 872, 873 (426 S.E.2d 857) (1993)
- Vereen v. Vereen, 284 Ga. 755, 756 (670 S.E.2d 402) (2008)
- Connell v. Houser, 189 Ga. App. 158, 158 (375 S.E.2d 136) (1988)
- Bruner v. Bruner, 240 Ga. 159, 160 (240 S.E.2d 48) (1977)

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