

SUPREME COURT OF GEORGIA

Simpkins v. Simpkins, 278 Ga. 523

603 S.E.2d 275 (2004) · No. S04F1433 · Decided September 27, 2004

SUMMARY

The Supreme Court of Georgia affirmed a contempt order and final divorce judgment arising from the disposition of marital funds. The court held that sufficient evidence supported the finding that the husband's guardian willfully violated court orders by using funds from a money market account awarded to the wife.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Fletcher, Chief Justice
JURISDICTION	Georgia
DECIDED	September 27, 2004
DOCKET	S04F1433
DISPOSITION	affirmed
PROCEDURAL POSTURE	John Simpkins, as executor of William Simpkins's estate, appealed the trial court's final judgment of divorce and its finding that he was in willful contempt for violating the court's orders concerning marital funds.
STANDARD OF REVIEW	A contempt decision will not be reversed if there is any evidence supporting it; the determination is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion
PARTIES	John Simpkins, as executor of the estate of William Simpkins v. Agnes Simpkins

TOPICS

- family law procedure
- dissolution of marriage
- equitable distribution
- appellate procedure
- remedies

PRACTICE AREAS

- family law
- remedies
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by holding John Simpkins in willful contempt for violating orders restricting disposition of the BB&T account.
2. Whether any of John Simpkins's other asserted errors warranted reversal of the final judgment of divorce.

HOLDINGS

1. The trial court did not abuse its discretion in finding that John Simpkins willfully violated the court's orders concerning the BB&T account and holding him in contempt.
2. The remaining arguments raised by John Simpkins did not establish reversible error, so the final judgment of divorce was affirmed.

KEY QUOTATIONS

“In order for one to be held in contempt, there must be a willful disobedience of the court's decree or judgment.” (276)

FACTUAL BACKGROUND

Agnes Simpkins filed for divorce from William Simpkins, who was represented at trial by his son and legal guardian, John Simpkins. During the proceedings, an injunction restricted the parties' ability to transfer or dispose of marital funds. John Simpkins filed an affidavit stating that a BB&T money market account contained more than \$99,000, but when he later submitted the account to the court registry, it contained less than \$6,000. The trial court found that John had used funds from the account for his own attorney fees and his father's living expenses despite the court's orders and the availability of alternative funds.

PROCEDURAL HISTORY

Agnes Simpkins filed for divorce in May 2001. During the divorce proceedings, the trial court entered orders restricting the transfer or disposition of marital funds. After John Simpkins filed an affidavit stating that a BB&T money market account contained more than \$99,000, the account was awarded to Agnes, but was later submitted to the court with less than \$6,000. The trial court held John Simpkins in willful contempt and entered the final divorce judgment; the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- *Gallit v. Buckley*, 240 Ga. 621, 626, 242 S.E.2d 89 (1978)
- *Crowder v. Crowder*, 236 Ga. 612, 225 S.E.2d 16 (1976)

