

SUPREME COURT OF GEORGIA

Rieffel v. Rieffel, 281 Ga. 891

644 S.E.2d 140 (2007) · No. S07F0093 · Decided April 24, 2007

SUMMARY

The Supreme Court of Georgia affirmed a divorce judgment awarding the wife alimony, attorney fees, and funds for repairs to the marital residence. The court held that the trial court did not abuse its discretion in making the awards or equitably dividing the marital property. The court also rejected the husband's challenge to a separate-maintenance consent order because he had consented to it and had shown no fraud or mistake.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice
JURISDICTION	Georgia
DECIDED	April 24, 2007
DOCKET	S07F0093
DISPOSITION	affirmed
PROCEDURAL POSTURE	Husband appealed the final judgment and decree of divorce, challenging the awards of alimony and attorney fees, the equitable division of marital property, and the validity of a consent final order resolving arrearages under a separate-maintenance order. The Supreme Court of Georgia granted discretionary review under the Family Law Pilot Project.
STANDARD OF REVIEW	Abuse of discretion for the amount and duration of alimony, an award of attorney fees in a divorce action, and the equitable division of marital property.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Ricardo Elmer Rieffel v. Jane Rieffel

TOPICS

- divorce
- alimony
- equitable distribution
- family law procedure
- appellate procedure

PRACTICE AREAS

family law

divorce

alimony

equitable distribution

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by awarding Wife twelve years of alimony and attorney fees.
2. Whether the trial court improperly included Husband's relinquishment of his interest in the marital residence in the equitable division of marital property.
3. Whether the parties' attempted reconciliation and voluntary cohabitation rendered their consent final order resolving separate-maintenance arrearages null and void.

HOLDINGS

1. The trial court did not abuse its discretion by awarding Wife monthly alimony of \$850 for twelve years.
2. The trial court did not abuse its discretion by awarding Wife \$4,000 in attorney fees.
3. The trial court did not abuse its discretion in dividing the marital property because Husband's interest in the marital residence was transferred to Wife pursuant to the parties' agreement as payment of separate-maintenance arrearages, rather than as part of the court's equitable division of marital property.
4. Husband could not challenge the consent final order on that basis because, absent fraud or mistake, a party may not complain of a judgment, order, or ruling produced or aided by his own conduct, and an order entered with counsel's consent binds the client absent fraud, accident, mistake, or collusion.

KEY QUOTATIONS

"In the absence of any mathematical formula, fact-finders are given a wide latitude in fixing the amount of alimony . . . , and to this end they are to use their experience as enlightened persons in judging the amount necessary for support `under the evidence as disclosed by the record and all the facts and circumstances of the case.'" (644 S.E.2d at 141)

"In the absence of fraud or mistake, a party cannot complain of a judgment, order, or ruling that his own conduct produced or aided in causing." (644 S.E.2d at 143)

"An order entered with the consent of counsel is binding on the client in the absence of fraud, accident, mistake, or collusion of counsel." (644 S.E.2d at 143)

FACTUAL BACKGROUND

Ricardo and Jane Rieffel were married for twenty-eight years and had six children, one of whom was a minor living with Jane when the judgment was entered. Before the divorce, Jane obtained a consent separate-maintenance order requiring Ricardo to pay support, and arrearages accumulated. At the divorce hearing, the parties agreed that Ricardo would relinquish his title and equitable interest in the marital residence to Jane as payment of those arrearages; the trial court also awarded Jane twelve years of monthly alimony, attorney fees, and funds for home repairs.

PROCEDURAL HISTORY

The parties were divorced in June 2006 after the trial court conducted a final hearing and incorporated their settlement terms into the final judgment and decree. The trial court awarded Wife twelve years of monthly alimony, attorney fees, funds for home repairs, and the marital residence pursuant in part to the parties' agreement resolving separate-maintenance arrearages. Husband sought discretionary appellate review, which the Supreme Court of Georgia granted, and the court affirmed.

DISPOSITION

affirmed

CASES CITED

- Maddox v. Maddox, 278 Ga. 606 n. 1, 604 S.E.2d 784 (2004)
- Farrish v. Farrish, 279 Ga. 551, 552, 615 S.E.2d 510 (2005)
- Johnson v. Johnson, 260 Ga. 443, 444, 396 S.E.2d 234 (1990)
- Hill v. Guest, 216 Ga. 679(2), 119 S.E.2d 19 (1961)
- Imperial Massage & Health Studio v. Lee, 231 Ga. 482(2), 202 S.E.2d 426 (1973)
- Cranford v. Cranford, 223 Ga. 819(1), 158 S.E.2d 246 (1967)

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