

SUPREME COURT OF WYOMING

Andrea K. Smerski f/k/a Andrea K. Lemon v. Darren M. Lemon

Smerski, 2026 WY 61 (Wyo. 2026) · No. S-25-0311 · Decided June 4, 2026

SUMMARY

The Wyoming Supreme Court reviewed the interpretation of a postnuptial agreement in a divorce proceeding. The court held that retirement accounts listed as separate property in the agreement were nevertheless subject to the agreement’s specific provision treating post-June 1, 2017 contributions, earnings, and interest as joint property subject to equitable distribution. The court reversed and remanded for distribution of those amounts under Wyoming law.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Jarosh, Justice; Boomgaarden, C.J.; Gray, J.; Fenn, J.; Jarosh, J.; Hill, J.
JURISDICTION	Supreme Court of Wyoming
DECIDED	June 4, 2026
DOCKET	S-25-0311
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a divorce decree entered after a bench trial in which the district court interpreted the parties' postnuptial agreement and divided their property.
STANDARD OF REVIEW	Contract interpretation is reviewed de novo. Wyoming law governs procedural matters, including the standard of review, even when the parties' choice-of-law provision makes another state's substantive law applicable.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Andrea K. Smerski f/k/a Andrea K. Lemon v. Darren M. Lemon

TOPICS

- family law procedure
- contract interpretation
- equitable distribution
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court erred in interpreting the postnuptial agreement to provide that the retirement accounts disclosed in Exhibits A and B, including post-June 1, 2017, contributions, earnings, and interest, were entirely the separate property of the named account holders.

HOLDINGS

1. The postnuptial agreement's distinct retirement-account provision governed the subject retirement accounts listed in Exhibits A and B. Retirement-account balances, contributions, and interest accruing before June 1, 2017, were separate property, while contributions, earnings on contributions, and interest earned on contributions made on or after June 1, 2017, were joint property subject to division.
2. The district court was required to distribute the post-June 1, 2017, contributions, earnings, and interest from the subject retirement accounts under Wyo. Stat. Ann. § 20-2-114, although the Supreme Court did not require any particular division.

KEY QUOTATIONS

“all contributions, earnings on contributions, or interest earned on contributions, made on or after June 1st, 2017, shall be considered the joint property of the parties and subject to division under applicable legal standards applied by a court with jurisdiction over the division of property and the parties.” (¶ 20)

“The post-June 1, 2017, contributions, earnings, and interest from the Subject Retirement Accounts listed on Exhibits A and B of the postnuptial agreement were joint property subject to distribution by the district court pursuant to Wyo. Stat. Ann. § 20-2-114.” (¶ 24)

FACTUAL BACKGROUND

The parties married in 2017 and entered into a valid and enforceable postnuptial agreement in November 2018. The agreement listed three of the wife's retirement accounts and one of the husband's retirement accounts as separate property in attached exhibits, but Paragraph 2 excluded retirement benefits and entitlements from the agreement's general separate-property provision and Paragraph 5(g) provided a separate formula for dividing retirement accounts. The district court treated the listed accounts as entirely separate property, including post-June 1, 2017, contributions, earnings, and interest, while applying the Paragraph 5(g) formula to other retirement accounts.

PROCEDURAL HISTORY

The wife filed for divorce in Wyoming in August 2024, and the husband answered and counterclaimed. Following a two-day bench trial in June 2025, the Sheridan County District Court entered a divorce decree. The court treated retirement accounts not listed in the postnuptial agreement's exhibits under the agreement's pre- and post-June 1, 2017, formula, but awarded the entirety of the listed subject retirement accounts to the named account holders. The wife timely appealed, and the Wyoming Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must determine and distribute the post-June 1, 2017, contributions, earnings, and interest from the subject retirement accounts under Wyo. Stat. Ann. § 20-2-114. The Supreme Court did not prescribe any specific division.

CASES CITED

- Boyce v. Jarvis, 2021 WY 80, ¶ 17, 490 P.3d 320, 324
- Denbury Onshore, LLC v. APMTG Helium LLC, 2020 WY 146, ¶ 24, 476 P.3d 1098, 1105
- Jones v. Young, 2025 WY 130, ¶¶ 44-45, 580 P.3d 1026, 1038
- Morrison v. Hinson-Morrison, 2024 WY 96, ¶¶ 15-16, 555 P.3d 944, 952
- Long v. Long, 2018 WY 26, ¶ 11, 413 P.3d 117, 122
- Hensel v. DAPCPA RPO, LLC, 2023 WY 84, ¶ 12, 534 P.3d 460, 464
- Van Vlack v. Van Vlack, 2023 WY 104, ¶ 20, 537 P.3d 751, 757
- Finley Resources, Inc. v. EP Energy E&P Co. L.P., 2019 WY 65, ¶ 9, 443 P.3d 838, 842
- Brown v. Miles, 193 Or. 466, 480, 238 P.2d 761, 768 (Or. 1951)
- Bradley v. Bradley, 2007 WY 117, ¶ 15, 164 P.3d 537, 542
- Western Bank v. Youngs, 545 P.2d 886, 888 (Or. 1976)
- Sheridan Fire Fighters Loc. No. 276, IAFF, AFL-CIO, CLC v. City of Sheridan, 2013 WY 36, ¶ 16, 303 P.3d 1110, 1115