

SUPREME COURT OF SOUTH DAKOTA

Rosalinda Viannie Anderson v. Keith Anderson

655 N.W.2d 104 (S.D. 2002) · No. No. 22319 · Decided December 11, 2002

SUMMARY

The Supreme Court of South Dakota reviewed a divorce judgment concerning property distribution and the denial of alimony. The court held that the trial court did not abuse its discretion in awarding the parties' property, including premarital real estate and gold Krugerrands, or in denying alimony to the appellant. The judgment was affirmed.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Per Curiam; Gilbertson, Chief Justice; Sabers, Justice; Konenkamp, Justice; Zinter, Justice; Amundson, Retired Justice
JURISDICTION	South Dakota
DECIDED	December 11, 2002
DOCKET	No. 22319
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed from a divorce decree challenging the trial court's division of marital property and denial of alimony.
STANDARD OF REVIEW	The trial court's division of property and determination of alimony are reviewed for abuse of discretion. The property division and alimony determination are considered together to determine whether their combined effect constitutes an abuse of discretion. Reversal requires a showing that no judicial mind could have reached the same conclusion under the law and circumstances.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Rosalinda Viannie Anderson v. Keith Anderson

TOPICS

- divorce
- equitable distribution
- alimony
- standard of review
- appellate procedure

PRACTICE AREAS

family law

divorce

equitable distribution

alimony

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in dividing the marital property.
2. Whether the trial court abused its discretion in denying Viannie's request for alimony.

HOLDINGS

1. The trial court did not abuse its discretion by awarding the Meade County property and gold Krugerrands to Keith while awarding Viannie her separately held property and a \$60,000 cash payment.
2. The trial court did not abuse its discretion in denying Viannie's request for alimony because the property awarded to her was sufficient to provide income and meet her needs, including the cost of health insurance.
3. A divorce court's property division and alimony decision are reviewed for abuse of discretion, and reversal is warranted only when no judicial mind could have reached the same conclusion under the law and circumstances.

KEY QUOTATIONS

"To obtain a reversal under the abuse of discretion standard, the appellant must show that no judicial mind could have reached the same conclusion in view of the law and circumstances of the case." (§ 11)

"This Court has repeatedly refused to 'fine-tune the handiwork of those to whom the division of [marital] property has been entrusted.'" (§ 27)

FACTUAL BACKGROUND

The parties married in 1975, divorced in Mexico in 1978, continued living together, and remarried in 1984. Keith entered the marriage with substantial assets, including the Meade County property, while Viannie generally remained at home caring for their two children and had limited employment outside the home. At the time of the South Dakota divorce, the disputed marital assets included the Meade County property and gold Krugerrands; the trial court awarded most disputed assets to Keith, awarded Viannie approximately \$914,884 in cash and income-producing assets, required Keith to pay her \$60,000, and denied her request for alimony to obtain health insurance.

PROCEDURAL HISTORY

Viannie filed for divorce, dismissed the first action by stipulation, and refiled after reconciliation efforts failed. Following trial, the circuit court entered findings of fact, conclusions of law, and a decree of divorce dividing the parties' property and denying Viannie's request for alimony. The Supreme Court of South Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- Feldhaus v. Schreiner, 2002 SD 65, 646 N.W.2d 753 (S.D. 2002)
- Christians v. Christians, 2001 SD 142, 637 N.W.2d 377 (S.D. 2001)
- Billion v. Billion, 1996 SD 101, 553 N.W.2d 226 (S.D. 1996)
- Urban v. Urban, 1998 SD 29, 576 N.W.2d 873 (S.D. 1998)
- Roupe v. Roupe, 1996 SD 25, 544 N.W.2d 540 (S.D. 1996)
- Fox v. Fox, 467 N.W.2d 762 (S.D. 1991)
- Buseman v. Buseman, 299 N.W.2d 807 (S.D. 1980)
- Pellegrin v. Pellegrin, 1998 SD 19, 574 N.W.2d 644 (S.D. 1998)
- Endres v. Endres, 532 N.W.2d 65 (S.D. 1995)

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