

SUPREME COURT OF GEORGIA

Sponsler v. Sponsler

301 Ga. 600 (2017) · Decided May 30, 2017

SUMMARY

The Georgia Supreme Court reviewed a contempt order arising from a divorce decree involving the sale or refinancing of a rental property. The court affirmed the finding that the husband was in contempt for failing to execute a quitclaim deed, but reversed provisions requiring him to pay for repairs and share ongoing HELOC payments because those remedies modified the decree. The court vacated the attorney-fee award and remanded for reconsideration.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Presiding Justice
JURISDICTION	Georgia
DECIDED	May 30, 2017
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Husband appealed by application from the trial court's order finding him in contempt of the final divorce decree and imposing remedial obligations concerning repairs to the rental property, HELOC payments, and attorney fees.
STANDARD OF REVIEW	A contempt determination is reviewed for abuse of discretion and will be affirmed if any evidence supports the trial court's determination that a party willfully disobeyed the court's order. Whether a contempt order impermissibly modifies rather than clarifies a prior decree is reviewed under the reasonable-clarification versus modification test.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential authority.
PARTIES	Jeffrey Sponsler v. April Sponsler

TOPICS

- family law procedure
- divorce
- remedies
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by ordering Husband to share responsibility for HELOC payments and taxes on the rental property until it was sold.
2. Whether the trial court erred by ordering Husband to pay \$35,000 to repair the rental property.
3. Whether the attorney-fee award should stand when the trial court's order did not reveal whether the award included litigation concerning the remedies reversed on appeal.

HOLDINGS

1. The trial court properly found Husband in contempt because ample evidence supported the conclusion that he willfully failed to comply with the divorce decree's quitclaim-deed requirement.
2. The trial court was not authorized to require Husband to pay \$35,000 for repairs needed after March 1, 2009, because the decree assigned responsibility for repairs after that date exclusively to Wife.
3. The trial court erred by requiring Husband to share HELOC payments and taxes until the rental property was sold because the decree placed ongoing responsibility for those obligations on Wife after March 1, 2009.
4. The attorney-fee award had to be vacated and remanded for reconsideration because the record did not establish whether any portion of the award was based on Husband's litigation of the remedies reversed on appeal.

KEY QUOTATIONS

“A court may not modify a previous decree in a contempt order.” (603)

“The test to determine whether an order is clarified or modified is whether the clarification is reasonable or whether it is so contrary to the apparent intention of the original order as to amount to a modification.” (603)

“In both cases, the remedies set forth by the trial court amount to a modification of the terms of the divorce decree.” (604)

“That is not an appropriate legal remedy.” (605)

FACTUAL BACKGROUND

The divorce decree awarded Wife the rental property and required her, beginning March 1, 2009, to be exclusively responsible for the property's debt, mortgage payments, repairs, maintenance, taxes, and insurance. Husband retained control of the property for a period, refused to cooperate with insurance claims and the transfer and sale of the property, and the property deteriorated substantially. The trial court found Husband in contempt for failing to execute a quitclaim deed and ordered him to pay for repairs and share HELOC payments until the property was sold.

PROCEDURAL HISTORY

The parties' divorce decree, incorporating a partial settlement agreement, was entered in 2009 and affirmed on appeal in 2010. Wife and a receiver later filed contempt motions alleging that Husband failed to cooperate with the transfer and sale of the rental property. The trial court found Husband in contempt, ordered him to pay \$35,000 for repairs, required him to share HELOC payments and taxes until sale, and awarded attorney fees. The Supreme Court of Georgia affirmed the contempt finding, reversed the repair and ongoing HELOC-payment remedies, vacated the attorney-fee award, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for reconsideration of the attorney-fee award in light of the opinion. The contempt finding remains affirmed, while the repair-payment and ongoing HELOC-payment provisions are reversed.

CASES CITED

- Sponsler v. Sponsler, 287 Ga. 725 (699 S.E.2d 22) (2010)
- Kaufmann v. Kaufmann, 246 Ga. 266, 268-269 (3) (271 S.E.2d 175) (1980)
- Crowder v. Crowder, 236 Ga. 612 (225 S.E.2d 16) (1976)
- Everett v. Everett, 256 Ga. 632 (2) (352 S.E.2d 370) (1987)
- Ziyad v. El-Amin, 293 Ga. 871 (750 S.E.2d 337) (2013)
- Darroch v. Willis, 286 Ga. 566, 570 (3) (690 S.E.2d 410) (2010)

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