

NEW YORK COURT OF APPEALS

Fields v. Fields

15 N.Y.3d 158, 931 N.E.2d 1039 (2010) · Decided June 10, 2010

SUMMARY

The New York Court of Appeals held that the husband's one-half interest in a Manhattan townhouse purchased during the marriage was marital property subject to equitable distribution. The court concluded that the husband failed to rebut the statutory presumption favoring marital-property classification, despite his separate-property contribution to the down payment, his sole title, and the property's income-producing use. The court also upheld the classification of the partnership bank account as marital property and affirmed the wife's 35% distributive award.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Graffeo, J.; Smith, J.
JURISDICTION	New York
DECIDED	June 10, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Husband appealed from an Appellate Division order affirming Supreme Court's classification of his one-half interest in a Manhattan townhouse and his interest in a partnership bank account as marital property subject to equitable distribution, and affirming a 35% distributive award to wife.
STANDARD OF REVIEW	Whether property is marital or separate is a question of law subject to plenary appellate review. The amount of an equitable-distribution award is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Fields, husband v. Fields, wife

TOPICS

equitable distribution

divorce

dissolution of marriage

family law

statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether husband's one-half interest in a townhouse acquired during the marriage was marital property subject to equitable distribution despite his separate-property contribution to the down payment, sole title, co-ownership with his mother, separate living arrangements, and use of the property to generate rental income.
2. Whether husband's one-half interest in the partnership bank account was marital property where marital funds were commingled in the account.
3. Whether Supreme Court abused its discretion by awarding wife 35% of the value of husband's townhouse interest and other marital assets.

HOLDINGS

1. Husband's one-half interest in the townhouse was marital property subject to equitable distribution because the property was acquired during the marriage and husband failed to rebut the statutory presumption that property acquired during the marriage is marital property.
2. Husband's one-half interest in the partnership bank account was marital property subject to allocation between the parties because marital assets were commingled in the account and could not be sufficiently delineated as separate property.
3. Supreme Court did not abuse its discretion by awarding wife 35% of the value of husband's one-half townhouse interest and other marital assets.

KEY QUOTATIONS

“the initial determination of whether a particular asset is marital or separate property is a question of law, subject to plenary review on appeal” (15 N.Y.3d at 162)

“The structure of section 236 therefore creates a statutory presumption that “all property, unless clearly separate, is deemed marital property” and the burden rests with the titled spouse to rebut that presumption” (15 N.Y.3d at 163)

“That husband and wife in this case have maintained separate apartments in the building does not change the character of the property from marital to separate” (15 N.Y.3d at 168)

FACTUAL BACKGROUND

The parties married in 1970 and purchased a five-story Manhattan townhouse in 1978, during the marriage, with a \$30,000 down payment attributed to husband's separate-property funds and the balance financed by mortgages held jointly by husband and his mother. Husband took title to the property and later conveyed a one-half interest to his mother; the property was operated through a partnership and partly rented to tenants, while the parties lived in the townhouse for nearly 30 years and raised their son there. Marital funds, including both spouses' earnings, were commingled in the partnership account used for property expenses and mortgage payments. Wife

made direct and indirect contributions to the marriage and the townhouse, including parenting, maintenance, cleaning, decorating, and other household services.

PROCEDURAL HISTORY

Husband commenced a divorce action in February 2005. Supreme Court referred equitable-distribution issues to a Special Referee, confirmed the Referee's report, directed entry of a judgment of divorce, and later entered a money judgment after husband failed to pay wife's distributive award. The Appellate Division affirmed, with two Justices dissenting, and the Court of Appeals affirmed the Appellate Division order.

DISPOSITION

affirmed

CASES CITED

- DeJesus v. DeJesus, 90 N.Y.2d 643, 647, 652 (1997)
- O'Brien v. O'Brien, 66 N.Y.2d 576, 583, 585 (1985)
- Hartog v. Hartog, 85 N.Y.2d 36, 47 (1995)
- Price v. Price, 69 N.Y.2d 8, 15 (1986)
- Majauskas v. Majauskas, 61 N.Y.2d 481, 489 (1984)
- Murphy v. Murphy, 4 A.D.3d 460, 461 (2d Dep't 2004), leave denied, 3 N.Y.3d 612 (2004)
- Judson v. Judson, 255 A.D.2d 656, 657 (3d Dep't 1998)
- Juhasz v. Juhasz, 59 A.D.3d 1023, 1024 (4th Dep't 2009), leave dismissed, 12 N.Y.3d 848 (2009)
- Heine v. Heine, 176 A.D.2d 77, 84 (1st Dep't 1992), leave denied, 80 N.Y.2d 753 (1992)
- Bartha v. Bartha, 15 A.D.3d 111, 115-117 (1st Dep't 2005)
- Zurner v. Zurner, 213 A.D.2d 906, 908 (3d Dep't 1995), leave denied, 87 N.Y.2d 802 (1995)
- Burns v. Burns, 193 A.D.2d 1104, 1106 (4th Dep't 1993), modified on other grounds, 84 N.Y.2d 369 (1994)
- Butler v. Butler, 171 A.D.2d 89, 93-94 (2d Dep't 1991)
- Woodson v. Woodson, 178 A.D.2d 642, 642-643 (2d Dep't 1991)
- Iwanow v. Iwanow, 39 A.D.3d 471, 475 (2d Dep't 2007)
- Fagan v. Fagan, 2 A.D.3d 394, 395 (2d Dep't 2003)
- Greenwald v. Greenwald, 164 A.D.2d 706, 713-714 (1st Dep't 1991), leave denied, 78 N.Y.2d 855 (1991)
- McManus v. McManus, 298 A.D.2d 189 (1st Dep't 2002)
- Holterman v. Holterman, 3 N.Y.3d 1, 8 (2004)
- Chiotti v. Chiotti, 12 A.D.3d 995, 996 (3d Dep't 2004)