

SUPREME COURT OF SOUTH DAKOTA

Feldhaus v. Schreiner

646 N.W.2d 753 (S.D. 2002) · No. No. 22003 · Decided June 5, 2002

SUMMARY

The Supreme Court of South Dakota affirmed a divorce court's division awarding 46% of the marital property to Jeanne Feldhaus and 54% to Ronald Schreiner. The court held that adopting proposed findings of fact and conclusions of law from one party did not constitute an abdication of the trial court's responsibility. It also upheld the unequal distribution because the trial court properly considered factors including the parties' ages, health, contributions, earning capacity, and the liquidity and speculative value of Schreiner's retirement benefits.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Gilbertson, Chief Justice; Sabers, Justice; Amundson, Justice; Konenkamp, Justice; Martin, Retired Circuit Judge, sitting for Zinter, Justice
JURISDICTION	South Dakota
DECIDED	June 5, 2002
DOCKET	No. 22003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jeanne Feldhaus appealed from a divorce judgment and bench-trial property division awarding her 46 percent and Ronald Schreiner 54 percent of the marital assets.
STANDARD OF REVIEW	The division of marital property is reviewed for abuse of discretion; factual findings are reviewed under the clearly erroneous standard.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jeanne K. Feldhaus v. Ronald Schreiner

TOPICS

- equitable distribution
- divorce
- family law procedure
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abdicated its decision-making responsibility or otherwise erred by adopting proposed findings of fact and conclusions of law submitted by Schreiner, including after Feldhaus mistakenly submitted Schreiner's proposal.
2. Whether the trial court abused its discretion by awarding Feldhaus 46 percent and Schreiner 54 percent of the marital property rather than dividing the property equally.

HOLDINGS

1. A trial court does not abdicate its decision-making responsibility merely by adopting, in whole or in part and even nearly verbatim, proposed findings and conclusions submitted by a party, so long as the court independently exercises its judgment and the findings are supported by the evidence.
2. The trial court did not abuse its discretion by awarding Feldhaus 46 percent and Schreiner 54 percent of the marital property.

KEY QUOTATIONS

“Without becoming a judicial rubber stamp, it is well within the court's discretion to adopt those findings of fact and conclusions of law which it deems most appropriate, regardless of their source.” (646 N.W.2d at 756-757)

“The trial court is not, however, bound to any formulaic computation.” (646 N.W.2d at 757)

“There is no \$550,000 account that Schreiner can access at any time. He can only reap the full amount of the investment by living a certain number of years.” (646 N.W.2d at 758)

FACTUAL BACKGROUND

Feldhaus and Schreiner were married for approximately twenty years and had no children. Both worked outside the home and pooled their incomes, but Schreiner contributed substantially more earnings and possessed a retirement plan whose current actuarial value was approximately \$550,320, while much of its value was attributable to future monthly payments and was not presently liquid. Feldhaus remained fully employed and had retirement plans with a combined cash value exceeding \$195,000. Schreiner also had chronic heart disease, while Feldhaus was younger and in good health.

PROCEDURAL HISTORY

After a bench trial on March 15, 2001, the trial court initially proposed an essentially equal division of property. Following the parties' submission of proposed findings and conclusions, Feldhaus mistakenly submitted Schreiner's proposal, leading the court to enter a 46/54 division. After Feldhaus notified the court of the mistake and resubmitted her proposals, the court reconsidered the matter and retained the 46/54 division. Feldhaus appealed, and the South Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Albrecht v. Albrecht, 2000 SD 54, ¶ 10, 609 N.W.2d 765, 768
- Priebe v. Priebe, 1996 SD 136, ¶ 9, 556 N.W.2d 78, 80
- Nickles v. Schild, 2000 SD 131, ¶ 7, 617 N.W.2d 659, 661
- State v. Barber, 1996 SD 96, ¶ 14, 552 N.W.2d 817, 820
- Billion v. Billion, 1996 SD 101, ¶ 14, 553 N.W.2d 226, 230
- New Era Mining Co. v. Dakota Placers, Inc., 1999 SD 153, ¶ 7, 603 N.W.2d 202, 204
- Cleveland v. Tinaglia, 1998 SD 91, ¶ 16, 582 N.W.2d 720, 724
- Lewis v. Moorhead, 522 N.W.2d 1, 3 (S.D. 1994)
- Cuka v. Jamesville Hutterian Mut. Soc., 294 N.W.2d 419, 421 (S.D. 1980)
- Chamblee v. Chamblee, 637 So. 2d 850 (Miss. 1994)
- Smith v. United Parcel Svc., 254 Mont. 71, 835 P.2d 717 (1992)
- Leftwich v. Leftwich, 442 A.2d 139 (D.C. 1982)
- Matter of Hamilton, 97 N.M. 111, 637 P.2d 542 (1981)
- Dean v. Dean, 439 N.E.2d 1378 (Ind. Ct. App. 1982)
- In re Marriage of Siglin, 555 N.W.2d 846 (Iowa Ct. App. 1996)
- Phillips v. Drake, 215 Ga. App. 210, 449 S.E.2d 879 (1994)
- Christians v. Christians, 2001 SD 142, ¶ 12, 637 N.W.2d 377, 380
- Garnos v. Garnos, 376 N.W.2d 571, 572-73 (S.D. 1985)
- Pellegrin v. Pellegrin, 1998 SD 19, ¶ 21, 574 N.W.2d 644, 648
- Kennedy v. Hubbard Milling Co., 465 N.W.2d 792, 795 (S.D. 1991)
- Baltzer v. Baltzer, 422 N.W.2d 584, 587 (S.D. 1988)
- Koenig v. Weber, 84 S.D. 558, 174 N.W.2d 218, 221-22 (1970)

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