

SUPREME COURT OF WYOMING

Tracey Kamm v. Jason Kamm

2016 WY 8 (2016) · No. S-15-0101 · Decided January 21, 2016

SUMMARY

The Wyoming Supreme Court reviewed Tracey Kamm’s challenge to the denial of her request for alimony following her divorce from Jason Kamm. The court held that the district court did not abuse its discretion, considering the parties’ financial circumstances, Tracey Kamm’s employability despite her medical conditions, and the equitable division of marital property. The district court’s decision was affirmed.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	HILL, Justice; BURKE, C.J.; HILL, J.; DAVIS, J.; FOX, J.; KAUTZ, J.
JURISDICTION	Wyoming
DECIDED	January 21, 2016
DOCKET	S-15-0101
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wife appealed the district court's denial of her request for continuing alimony following the parties' divorce.
STANDARD OF REVIEW	The district court's alimony decision is reviewed for abuse of discretion. The appellate court considers whether the trial court could reasonably conclude as it did and whether any aspect of the ruling was arbitrary or capricious, viewing the evidence and reasonable inferences in favor of the successful party.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Tracey Kamm v. Jason Kamm

TOPICS

- alimony
- divorce
- family law procedure
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying Tracey Kamm's request for continuing alimony.

HOLDINGS

1. The district court did not abuse its discretion in denying Tracey Kamm continuing alimony because the record supported its findings that she could obtain suitable employment, had not shown a sufficient necessity for alimony, and that Jason Kamm's ability to pay was limited.

KEY QUOTATIONS

“The purpose of alimony is to provide a post-divorce substitute for the support provided to a spouse during the marriage.” (¶ 10)

“It is for the support and maintenance of a former spouse who is unable to adequately provide for himself or herself.” (¶ 10)

“alimony [may be] a necessity, ... under ordinary circumstances it should be recognized that one spouse should not have a perpetual claim on the earnings of the other; that divorce, insofar as possible should sever the ties of the parties and they should begin to start their lives anew.” (¶ 16)

FACTUAL BACKGROUND

Tracey and Jason Kamm married in 2001, and Jason adopted Tracey's two children from a prior marriage; the children were emancipated by the time of the appeal. Tracey suffered from PTSD, lupus, fibromyalgia, spinal arthritis, and depression, but the district court found that she had not shown that her conditions were debilitating or prevented her from obtaining employment. The evidence showed that she had education and experience in herbalism, reflexology, and website development, had previously worked outside the home, and had recently obtained part-time employment. The marital property was divided equally in significant respects, including the equity in the marital home and half of Jason's retirement account, while Jason worked several jobs and had limited financial capacity.

PROCEDURAL HISTORY

Tracey Kamm filed for divorce in 2013. During the pendency of the divorce, the district court ordered Jason Kamm to pay temporary alimony of \$3,000 per month. After a November 12, 2014 trial, the district court denied wife's request for \$3,500 per month for five years but ordered \$1,000 per month for three months. Wife appealed, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Johnson v. Johnson, 11 P.3d 948, 950-51 (Wyo. 2000)
- Vaughn v. State, 962 P.2d 149, 151 (Wyo. 1998)
- Opitz v. Opitz, 2007 WY 207, ¶ 7, 173 P.3d 405, 407-08 (Wyo. 2007)
- Belless v. Belless, 2001 WY 41, ¶ 6, 21 P.3d 749, 750-51 (Wyo. 2001)
- Levene v. Levene, 2014 WY 161, ¶ 12, 340 P.3d 270, 273 (Wyo. 2014)
- Grosskopf v. Grosskopf, 677 P.2d 814, 821 (Wyo. 1984)
- Stevens v. Stevens, 2014 WY 23, ¶¶ 15-17, 318 P.3d 802, 807-08 (Wyo. 2014)
- Neville v. Neville, 8 P.3d 1072, 1073 (Wyo. 2000)
- Raymond v. Raymond, 956 P.2d 329, 332 (Wyo. 1998)

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