SUPREME COURT OF MISSISSIPPI

Bob Haney v. Pat (Robertson) Haney

Haney · No. Nos. 1999-CT-02078-SCT and 2002-CT-00244-SCT · Decided December 5, 2001

SUMMARY

The Mississippi Supreme Court reviewed consolidated divorce-related appeals concerning the equitable distribution of marital assets, lump-sum alimony, and attorney’s fees. The court held that the uncontested marital assets were properly divided, but that the record did not support distributing the growth of Bob Haney’s separate investment account or awarding lump-sum alimony and attorney’s fees to Pat Haney. The judgment was affirmed in part and reversed and rendered in part.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Justice; Easley, J.; Randolph, J.; Graves, J.; Cortright, S.J.; Smith, C.J.; Waller, P.J.; Cobb, P.J.; Diaz, J.; Carlson, J.
JURISDICTION	Mississippi
DECIDED	December 5, 2001
DOCKET	Nos. 1999-CT-02078-SCT and 2002-CT-00244-SCT
DISPOSITION	other
PROCEDURAL POSTURE	Bob Haney sought review by certiorari of the Mississippi Court of Appeals' decision reversing and remanding the chancery court's revised judgment concerning equitable distribution, lump-sum alimony, and attorney's fees. The two related appeals were consolidated.
STANDARD OF REVIEW	Equitable-distribution and alimony decisions are reviewed for abuse of discretion, with factual findings reviewed for clear error. An attorney-fee award is likewise subject to review for abuse of discretion and must be supported by the equities and the recipient spouse's inability to pay.
PRECEDENTIAL VALUE	published; en banc state supreme court opinion
PARTIES	Bob Haney v. Pat (Robertson) Haney

TOPICS

equitable distribution | spousal support | family law procedure | appellate procedure | remedies

PRACTICE AREAS

family law | equitable distribution | spousal support | appellate procedure | remedies

QUESTIONS PRESENTED

1. Whether the chancellor properly classified the growth in Bob's premarital investment account as marital property subject to equitable distribution.
2. Whether lump-sum alimony or equitable distribution of Bob's nonmarital assets could be awarded based solely on Pat's need and Bob's ability to pay, without evidence of Pat's contribution to the accumulation of the assets.
3. Whether the uncontested marital assets were properly divided equally.
4. Whether Pat was entitled to an award of attorney's fees.

HOLDINGS

1. The growth in Bob's premarital investment account was not automatically marital property, and the record did not justify any equitable distribution of that growth.
2. After Ferguson, lump-sum alimony is principally a tool of equitable distribution used to transfer value to a spouse who lacks legal title but contributed to the accumulation of marital property; it is not justified solely by one spouse's need and the other spouse's ability to pay.
3. The equal division of the uncontested marital assets—the Volvo and the parties' checking-account funds—was affirmed.
4. The award of attorney's fees to Pat was an abuse of discretion and was reversed and rendered.

KEY QUOTATIONS

> *"A review of the cases cited in Ferguson, and other cases, leads to the firm conclusion that lump sum alimony is a tool to assist a chancellor in transferring assets to a spouse who has no legal title, but who contributed to the accumulation of property in the marriage."* (¶ 17)

> *"We find no case, however, which authorizes the award of lump sum alimony or an equitable distribution of non-marital assets based upon nothing more than one spouse's need and the other's ability to pay. More justification is needed."* (¶ 28)

> *"Although we continue to refer to certain payments as "lump sum alimony," these payments are really no more than equitable distribution in the form of lump sum cash, rather than an equitable portion of certain property which cannot be divided equitably."* (¶ 26)

FACTUAL BACKGROUND

Bob and Pat married on February 11, 1996, after each had substantial separate assets, and they maintained separate residences and finances throughout the seventeen-month marriage. Pat became ill and left her employment shortly after the marriage, while Bob's premarital investment account increased substantially during the marriage. The chancellor classified the investment growth as marital property, divided it equally, and awarded Pat lump-sum alimony and attorney's fees. The record showed little evidence that Pat contributed to Bob's income or accumulation of assets and that the parties' financial lives remained largely separate.

PROCEDURAL HISTORY

The Union County Chancery Court granted the parties a divorce on irreconcilable-differences grounds and awarded Pat one-half of the assets it classified as marital, including growth in Bob's premarital investment account, together with lump-sum alimony and attorney's fees. In Haney I, the Court of Appeals reversed and remanded for findings concerning lump-sum alimony. On remand, the chancellor entered essentially the same award without allowing additional testimony. In Haney II, the Court of Appeals again reversed and remanded in part and reversed and rendered the attorney-fee award. The Mississippi Supreme Court granted certiorari.

DISPOSITION

other

CASES CITED

- Haney v. Haney, 788 So. 2d 862 (Miss. Ct. App. 2001)
- Haney v. Haney, 881 So. 2d 862 (Miss. Ct. App. 2003)
- Ferguson v. Ferguson, 639 So. 2d 921 (Miss. 1994)
- Cheatham v. Cheatham, 537 So. 2d 435 (Miss. 1988)
- Reeves v. Reeves, 410 So. 2d 1300 (Miss. 1982)
- Clark v. Clark, 293 So. 2d 447 (Miss. 1974)
- Jenkins v. Jenkins, 278 So. 2d 446 (Miss. 1973)
- Bowe v. Bowe, 557 So. 2d 793 (Miss. 1990)
- Armstrong v. Armstrong, 618 So. 2d 1278 (Miss. 1993)
- Abshire v. Abshire, 459 So. 2d 802 (Miss. 1984)
- Schilling v. Schilling, 452 So. 2d 834 (Miss. 1984)
- Tutor v. Tutor, 494 So. 2d 362 (Miss. 1986)
- Brooks v. Brooks, 652 So. 2d 1113 (Miss. 1995)
- Martin v. Martin, 566 So. 2d 704 (Miss. 1990)
- Powers v. Powers, 568 So. 2d 255 (Miss. 1990)
- Geiger v. Geiger, 530 So. 2d 185 (Miss. 1988)