

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                      |                               |
|----------------------|-------------------------------|
| DOROTHY C. BERG,     | §                             |
|                      | §                             |
| Petitioner Below,    | §                             |
| Appellant,           | § No. 197, 1999               |
|                      | §                             |
| v.                   | § Court Below: Family Court   |
|                      | § of the State of Delaware in |
| WILLIAM S. BROWNELL, | § and for New Castle County   |
|                      | § File No. CN97-06732         |
| Respondent Below,    | § Petition No. 97-05690       |
| Appellee.            | §                             |

Submitted: February 29, 2000

Decided: March 7, 2000

Before VEASEY, Chief Justice, WALSH and BERGER, Justices.

ORDER

This 7th day of March 2000, upon consideration of the briefs of the parties the Court concludes that:

(1) This is an appeal from a Family Court property division order following a divorce. Appellant (“Wife”) claims that the Family Court abused its discretion in allocating her pension and profit sharing plan in an amount which did not reflect her premarital interest in the plan. Wife further contends that the trial court abused its discretion in not permitting her expert witness appraiser to testify concerning the updated value of the parties’ jointly owned real estate.

(2) The Family Court is accorded wide latitude in the fixing of property division incident to a decree of divorce under 13 *Del. C.* § 1513. This Court reviews such ancillary rulings under an abuse of discretion standard. *See L.R. v. N.G.*, Del. Supr., 412 A.2d 333, 334 (1980). Wife's claims on appeal are the direct result of her failure to comply with Family Court procedures requiring information to be supplied in advance of the hearing. The Family Court's refusal to credit the Wife with property interests that were not adequately disclosed prior to trial is clearly an exercise of discretion. We find no abuse of that discretion and, accordingly, affirm.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh  
Justice