

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SANDRA L. REED, <sup>1</sup>	§
	§
Respondent Below-	§ No. 396, 2010
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
EDWARD M. REED,	§ File No. CS98-03486
	§ Petition No. 07-07751
Petitioner Below-	§
Appellee.	§

Submitted: December 3, 2010

Decided: February 4, 2011

Before **HOLLAND, BERGER, and JACOBS**, Justices.

**ORDER**

This 4<sup>th</sup> day of February 2011, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant, Sandra Reed ("Wife"), filed this appeal from an order of the Family Court, dated May 27, 2010, which granted, in part, Husband's motion to alter or amend an earlier Family Court judgment entered on January 6, 2010. We find no merit to the appeal. Accordingly, we affirm the Family Court's judgment.

(2) The record reflects that the parties were married in 1992 and divorced in 2007. The Family Court held a hearing on matters ancillary to the parties'

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<sup>1</sup> The Court previously assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

divorce in November 2009. Among other things, the trial court ordered that the net proceeds from the sale of the marital home should be divided 75%-25% in favor of Wife and that the non-real estate property would be divided on a 57%-43% favoring Wife. The trial court also ordered Husband to pay Wife alimony in the amount of \$280 per month, which would leave both parties with an equal shortfall of \$180 per month. Both parties moved for reargument of the Family Court's order. After consideration of the parties' positions, the Family Court acknowledged that it had erred in its calculations because Husband had been paying \$565 per month in child support to Wife, but the Family Court had attributed Wife with only receiving \$47 per month in child support payments. After making this correction in the calculation, the Family Court found that Wife was not dependent on Husband for alimony. It therefore altered its original judgment to reflect that Husband did not owe Wife alimony. It denied both parties' motions for reargument in all other respects. This appeal followed.

(3) The scope of this Court's review of a Family Court judgment includes a review of both law and facts.<sup>2</sup> A trial court's ruling on the issue of alimony will not be disturbed on appeal if: (1) its findings of fact are supported by the record; (2) its decision reflects due consideration of the statutory factors found in 13 Del.

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<sup>2</sup> *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).

C. § 1512;<sup>3</sup> and (3) its explanations, deductions and inferences are the product of a logical and deductive reasoning process.<sup>4</sup>

(4) In this case, the Family Court carefully considered each of the relevant factors of Section 1512(c) in finding, initially, that Wife was dependent upon Husband for support. The Family Court expressly found that Husband had been paying Wife \$565 per month in child support, a fact that Wife does not dispute. Nonetheless, due to a clerical error, the Family Court only attributed Wife with receiving \$47 per month in child support. It was this calculation error that led to the Family Court's erroneous initial finding that Wife was dependent on Husband to provide for her reasonable needs. The Family Court corrected this error when it granted, in part, Husband's motion to amend the judgment. We find this correction to be supported by the record.

(5) To the extent that Wife argues that the Family Court erred in attributing her with annual income of \$22,000, she has failed to provide this Court

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<sup>3</sup> Section 1512(c) of Title 13 of the Delaware Code provides that the trial court, in determining whether a party is entitled to alimony, should consider:

- (1) The financial resources of the party seeking alimony, including the marital or separate property apportioned to him or her, and his or her ability to meet all or part of his or her reasonable needs independently;
- (2) The time necessary and expense required to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment;
- (3) The standard of living established during the marriage;
- (4) The duration of the marriage;
- (5) The age, physical and emotional condition of both parties;
- (6) Any financial or other contribution made by either party to the education, training, vocational skills, career or earning capacity of the other party;
- (7) The ability of the other party to meet his or her needs while paying alimony;
- (8) Tax consequences;
- (9) Whether either party has foregone or postponed economic, education or other employment opportunities during the course of the marriage; and
- (10) Any other factor which the Court expressly finds is just and appropriate to consider.

<sup>4</sup> *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d at 1204.

with a transcript of the ancillary hearing. Thus, the Court has no adequate basis for evaluating the merits of this claim.<sup>5</sup> In its original decision awarding Wife alimony, the Family Court acknowledged that Wife currently was unemployed and that she testified that she was unable to work due to post-traumatic stress disorder. Nonetheless, the Family Court found that Wife had offered no proof to substantiate her claim that she was unable to work. In attributing Wife with annual income, the Family Court concluded, based on Wife's prior work history during the marriage, that she was capable of working a full-time job paying \$10 per hour. The Family Court denied Wife's motion to reargue this point on the ground that the trial court had not overlooked any facts or legal precedents that would have changed the decision. Wife has presented nothing to substantiate her claim that the Family Court erred in this finding.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>5</sup> See Del. Supr. Ct. R. 14(e) (2011) (noting that "the appellant's appendix shall contain such portions of the trial transcript as are necessary to give this Court a fair and accurate account of the context in which the claim of error occurred..."); *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987).