

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES J. WALSH, ¹	§	
	§	No. 422, 2011
Respondent Below,	§	
Appellant,	§	Court Below—Family Court of
	§	State of Delaware in and for
v.	§	New Castle County
	§	
JENNIFER WALSH,	§	
	§	File No. CN09-04388
Petitioner Below,	§	Pet. No. 11-04705
Appellee.	§	

Submitted: October 26, 2011

Decided: January 9, 2012

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

ORDER

This 9th day of January 2012, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm, it appears to the Court that:

(1) The appellant, James J. Walsh (“Husband”), and the appellee, Jennifer Walsh (“Wife”), divorced in November 2009. The Family Court retained jurisdiction to determine ancillary matters.

(2) At a property division hearing held on June 9, 2010, Husband and Wife, through their respective counsel, entered into a settlement

¹ By Order dated August 11, 2011, the Court *sua sponte* assigned pseudonyms to the parties. Del. Supr. Ct. R. 7(d).

agreement on financial issues related to the marital estate. Based on that agreement, the Family Court entered an order on June 9, 2010, which provided in pertinent part:

[Husband] shall retain and be awarded all of [Wife's] right, title and interest in the former marital home . . . on the sole condition that he pay to [Wife] the sum of \$110,000.00 on or before January 1, 2011. [Husband] is to refinance the existing mortgage. Should [Husband] be unable to refinance the existing mortgage, or purchase [Wife's] interest in the former marital home by January 1, 2011, the property is to be listed for sale with a licensed real-estate broker selected by [Husband] within (30) days. Both parties are to cooperate in the signing of a listing agreement, a purchase contract, and all settlement documents necessary to complete the sale. If the property is sold on the open market, [Wife] shall receive the sum of \$128,000.00 representing her interest in this property and other assets.

(3) On February 17, 2011, Wife filed a rule to show cause petition alleging, in pertinent part, that Husband had failed to cooperate in refinancing and/or listing the parties' marital home as ordered by the June 9, 2010 order. By decision dated July 19, 2011, after a hearing on the same date, the Family Court found Husband in contempt of the June 9, 2010 order and ordered that Husband vacate the marital home. The Family Court also appointed the Clerk of Family Court as Husband's trustee for the purpose of signing the documents necessary to complete the sale of the home. Finally,

the Family Court ordered that, at the settlement on the sale of the marital home, \$280.00 of Wife's attorney's fees and \$75.00 in court costs should be deducted from Husband's share of the real estate proceeds and paid to Wife's counsel.

(4) Husband filed this appeal from the Family Court's July 19, 2011 order. In his opening brief, Husband appears to take issue with the terms of the settlement agreement as reflected in the Family Court's order of June 9, 2010. Husband does not point to any particular error in the July 19, 2011 order, and he does not cite any legal authority.

(5) The June 9, 2010 ancillary order is not properly before the Court in this appeal. The only order subject to review in this appeal is the July 19, 2011 decision on Wife's rule to show cause petition.

(6) Having considered the parties' positions on appeal and the Family Court record, including the transcripts of the June 9, 2010 and July 19, 2011 hearings, we have concluded that the Family Court's order of July 19, 2011 should be affirmed. By statute, the Family Court has the authority to enter any order necessary to effectuate its judgment regarding the distribution of marital property.² There is nothing in the record to support a claim that the Family Court abused its discretion or otherwise erred when

² Del. Code Ann. tit. 13, § 1513 (f) (2009).

finding Husband in contempt and ordering that he vacate the marital home, when appointing the Clerk of Family Court as Husband's trustee for the purpose of selling the marital home, and when requiring that Husband pay Wife's attorney's fees and court costs.

NOW, THEREFORE, IT IS ORDERED that Wife's motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice