

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANNIE J. WILLIAMS,	§
	§
Petitioner Below,	§
Appellant/Cross-Appellee,	§ No. 419, 1999
	§
	§ Court Below: Family Court
v.	§ of the State of Delaware in
	§ and for New Castle County
HENRY E. GREEN,	§ File No. 98-10597
	§ Petition Nos. 98-31627 and
Respondent Below,	§ 99-05237
Appellee/Cross-Appellant.	§

Submitted: May 3, 2000

Decided: June 13, 2000

Before WALSH, HARTNETT, and BERGER, Justices.

O R D E R

This 13<sup>th</sup> day of June 2000, upon consideration of the briefs of the parties, it appears to the Court as follows:

(1) This is an appeal and cross-appeal from a Family Court decision dividing the marital estate of the parties (hereinafter referred to as “Wife” and “Husband”) following a divorce. Upon full review of the record, we conclude that, with one exception, the Family Court did not abuse its discretion in: (i) allocating the marital debts; (ii) dividing the marital property on a 60 percent/40 percent basis; (iii) awarding the Wife a share of the Husband’s retirement pension; and (iv) awarding counsel fees to the wife.

(2) With respect to the Wife's claim that the Family Court erred in allowing the Husband excess mileage fees on his rental automobile, we note that there appears to be an inconsistency between the Family Court's bench ruling disallowing that item of expense and its final order giving Husband credit for that item. In the light of this inconsistency, we are unable to determine what the Family Court's final order was and the basis for it. Accordingly, that aspect of the Family Court's decision must be REMANDED for further explanation by the Family Court as to the apparent inconsistency.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED IN PART and REMANDED IN PART for further determination by the Family Court with respect to the Husband's excess mileage claim. Jurisdiction is retained. See Supr. Ct. R. 19(c).

BY THE COURT:

s/Joseph T. Walsh  
Justice