

SUMMARY STATEMENT

Kantor v. Kantor, Docket No. 41946

In an appeal from Blaine County, the Supreme Court reversed the dismissal of Sondra Kantor's counterclaim, affirmed the district court's rulings on summary judgment, and remanded the case for further proceedings. The case was brought in district court based on a Property Settlement Agreement (PSA) between Robert and Sondra Kantor, which was executed as part of a divorce. The case involved the parties' efforts to sell their community residence and various other claims by Sondra that were dismissed on summary judgment. Robert wanted to delay the sale of the community residence to pursue a loan modification with Bank of America that had the potential to result in the forgiveness of substantial debt. Sondra initially stipulated to let Robert pursue loan modification but subsequently sold her half interest in the residence to a third party. The district court ordered Sondra to re-obtain title to the real property from the third party. After she failed to do so, the district court dismissed Sondra's counterclaim with prejudice as a sanction.

Sondra appealed and the Supreme Court held: (1) the district court exceeded its authority by effectively re-writing the parties' PSA; (2) the district court abused its discretion by sanctioning Sondra; and (3) the district court did not err in its rulings on summary judgment. The Supreme Court did not award either party attorney fees because of the mixed results between this case and another consolidated case, Docket No. 42980.