

## SUMMARY STATEMENT

*Kantor v. Kantor*, Docket No. 42980

In an appeal from a decision of the Blaine County district court acting in its appellate capacity, the Supreme Court reversed the district court's decision. This case arose from the divorce of Robert Kantor and Sondra Kantor.

Upon Sondra's request, the magistrate court entered a Supplemental Decree which merged a Property Settlement Agreement (PSA) with a judgment of divorce more than nineteen months after entry of that judgment. The PSA provided that either party could seek to have the PSA merged with the divorce decree.

Sondra then sought to have Robert found in contempt. Robert moved to dismiss the contempt charges, asserting that the original judgment of divorce was *res judicata* and the Supplemental Decree was void for lack of subject matter jurisdiction. After the magistrate court denied Robert's motion to dismiss, the parties reached a negotiated resolution of the contempt proceedings. That agreement resulted in a judgment that Robert was in contempt of court but provided that Robert could appeal from the denial of his motion to dismiss.

Robert appealed to the district court, arguing the magistrate court lacked subject matter jurisdiction to enter the Supplemental Decree because the judgment of divorce was a final judgment that could not be modified. The district court affirmed the magistrate court's judgment of contempt.

On appeal, the Supreme Court reversed and remanded with instructions to vacate the magistrate's judgment of contempt, deciding that the original judgment of divorce became final forty-two days after it was entered. The Court determined the Supplemental Decree was void because it was entered after the judgment of divorce became final and that Robert could not be in contempt of a void order. The Supreme Court vacated the district court's award of attorney fees to Sondra.

The Supreme Court declined to award either party attorney fees or costs, citing the mixed results of this appeal and another appeal involving Robert and Sondra in Docket No. 41946.