

## SUMMARY STATEMENT

*Kelly v. Kelly*

Docket No. 48591-2021

The Idaho Supreme Court reversed in part and affirmed in part the district court's intermediate appellate decision.

This case arose from Brandi Kelly's ("Brandi") and Brandon Kelly's ("Brandon") divorce proceedings and concerned the interpretation and enforcement of the parties' prenuptial agreement ("PNA"). During the pendency of the divorce, the magistrate court granted partial summary judgment to Brandon on several issues relating to the PNA. Following a court trial on the remaining property issues, the magistrate court entered its findings of fact and conclusions of law. Brandi appealed a number of the magistrate court's summary judgment decisions and findings of fact and conclusions of law to the district court. The district court affirmed the magistrate court on nearly all issues but remanded the calculation of child support for further proceedings.

Brandi appealed the district court's decision and raised a number of issues on appeal. The Supreme Court reversed in part and affirmed in part. The Court:

- Affirmed the district court's determination that the PNA is a valid, enforceable contract.
- Reversed the district court's decision that the PNA barred Brandi from requesting attorney fees for child custody, visitation and support matters because such a bar violates Idaho public policy.
- Reversed the district court's decision concluding that Brandon's payments from Eastern Idaho Regional Medical Center ("EIRMC") were his separate property because the EIRMC payments received during the parties' marriage were the product of Brandon's labor and efforts and therefore constituted community property under the PNA.
- Affirmed the district court decision that Brandon's interests in Weyland-Yutani, LLC and Mountain View Hospital are his separate property.
- Affirmed that district court's decision regarding the award and valuation of community property.
- Vacated the district court's award of attorney fees to Brandon for his contempt motion and remanded for further proceedings based on the parties' agreement that the award should be vacated and remanded.
- Affirmed the district court's decision regarding other deductions from Brandi's separate property award.
- Affirmed the district court's decision reimbursing Brandon for taxes he paid in 2015, 2016, and 2017.
- Declined to add further direction to the magistrate court on the remanded child support issue because the district court's decision was adequate.
- Declined to award attorney fees to Brandi, but awarded Brandon attorney fees on certain claims.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*