

**BOISE, OCTOBER 12, 2021, AT 1:30 P.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 48478**

**AMY MARIE HEPWORTH, nka AMY )**  
**MARIE EVANS, )**  
**)**  
**Petitioner-Appellant, )**  
**)**  
**v. )**  
**)**  
**JAMES HEPWORTH, )**  
**)**  
**Respondent. )**  
**)**

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Gerald Schroeder, District Judge. Hon. Diane M. Walker, Magistrate.

Bevis, Thiry & Schindele, P.A.; Philip M. Bevis, Boise, for appellant.

Sanderson Law Office; James K. Sanderson, , Afton, WY, for respondent.

The magistrate court issued a decree divorcing Amy Marie Hepworth, nka Amy Marie Evans, and James Hepworth. The divorce decree awarded Amy one-half of the couple's stock holdings in a particular company. James retained the shares, holding Amy's portion in trust. James was required to provide Amy all necessary information regarding her shares, including notice of any sale. James subsequently liquidated all shares in the company, including Amy's shares, without notifying Amy. James had the proceeds transferred into his personal bank account.

Amy learned that James sold the shares. Amy filed a petition to enforce the divorce judgment, requesting that the magistrate court determine the value of her shares to be one-half of the amount James received from the sale. The magistrate court granted Amy's motion and awarded two money judgments against James in relation to the sale. After a subsequent trial to determine the interest on the proceeds, the magistrate court found that Amy was entitled to interest on the money judgments. Although Amy sought the higher rate for prejudgment interest pursuant to Idaho Code § 28-22-104(1), the magistrate court ordered interest at the post-judgment interest rate prescribed by to I.C. § 28-22-104(2). James appealed, Amy cross-appealed, and the district court, sitting in its appellate capacity, affirmed the magistrate court's order.

Amy appeals. Amy alleges the district court erred in affirming the magistrate court's order because she should have been awarded pre-judgment interest on the money judgments.