

SUMMARY STATEMENT

Hilton v. Hilton

Docket No. 47487

This case arises out of divorce proceedings before the magistrate court. Cynthia Hilton appeals the decision denying her motion to divide an allegedly omitted asset—a company partially owned by her ex-husband, Lance Hilton. Cynthia alleges that because the stipulated divorce decree did not list the company as community or separate property, it is an omitted asset and she is entitled to half of its retained earnings allocable to Lance. The magistrate court denied Cynthia’s motion on the basis that it had previously determined the company was Lance’s separate property. On intermediate appeal, the district court affirmed and awarded attorney fees to Lance.

The Supreme Court affirmed the district court’s opinion upholding the magistrate court’s order, concluding (1) that the summary judgment order had determined the company to be Lance’s separate property and (2) the stipulated divorce decree— drafted by Cynthia’s attorney—divided all the community property between the parties. Additionally, the Court noted that Cynthia had previously treated the retained earnings of the company as Lance’s separate property in order to obtain an increase in child support. Thus, the magistrate and district courts properly concluded the retained earnings were not an omitted asset. The Court affirmed the award of attorney fees below, and awarded Lance attorney fees and costs on appeal.

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