

SUMMARY STATEMENT

Van Orden v. Van Orden

Docket No. 47857-2020

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

Christine and Dexter Van Orden executed a property settlement agreement ("the PSA") in anticipation of their divorce. Several months later, Dexter filed an amended petition for divorce and sought to enforce the PSA. Christine asserted defenses that the PSA was unenforceable because it was the product of duress and overreaching and was unconscionable.

The magistrate court rejected Christine's defenses and concluded that the PSA was enforceable. Christine appealed to the district court. Sitting in its appellate capacity, the district court concluded that the magistrate court's findings concerning Christine's defenses to the PSA were supported by substantial and competent evidence. However, the district court nonetheless determined, *sua sponte*, that the PSA was invalid and illegal for two reasons. First, the district court concluded that the PSA was procedurally invalid under Idaho Code section 32-917 because it purported to convey real property but did not include Dexter's mailing address. Second, the district court determined that the PSA was in violation of public policy because it was the product of theft by extortion in violation of Idaho Code section 18-2403.

Dexter appealed, challenging the district court's conclusions that the PSA was invalid and illegal. Christine cross-appealed, arguing that the district court erred in concluding that the magistrate court's findings on overreaching and unconscionability were supported by substantial and competent evidence.

The Supreme Court reversed in part and affirmed in part. The Court reversed the district court's decision that the PSA was procedurally invalid under Idaho Code section 32-917 because compliance with statutory formalities is a waivable affirmative defense that Christine waived when she failed to raise it below. The Court also reversed the district court's decision that the PSA was illegal because there was insufficient evidence of Dexter's intent to establish a violation of Idaho Code section 18-2403. However, the Supreme Court affirmed the district court's decision affirming the magistrate court's conclusions that Christine failed to establish that the PSA was the product of overreaching or was unconscionable.

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