

Wiech v. Wiech

Case Number

A-14-0747

Call Date

September 16, 2015

Case Time

9:30 AM

Case Audio

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Case Summary

A-14-0747, Chrissie E. Wiech v. Craig A. Wiech (Appellant)

Sarpy County, District Court Judge William Zastera

Attorney for Appellant: Aimee S. Melton, A. Bree Robbins (Reagan, Melton & Delaney, L.L.P.)

Attorney for Appellee: Michael N. Schirber (Schirber & Wagner, L.L.P.)

Civil Action: Dissolution of marriage

Action Taken by Trial Court: The district court dissolved the parties' marriage and divided the marital property.

Assignments of Error on Appeal: Craig assigns that the district court erred in its division of the marital property in several respects.

Extended Case Summary (for Educational Purposes):

A-14-0747, Chrissie E. Wiech v. Craig A. Wiech (Appellant)

Sarpy County, District Court Judge William Zastera

Attorney for Appellant: Aimee S. Melton, A. Bree Robbins (Reagan, Melton & Delaney, L.L.P.)

Attorney for Appellee: Michael N. Schirber (Schirber & Wagner, L.L.P.)

Civil Action: Dissolution of marriage

Action Taken by Trial Court: The district court dissolved the parties' marriage and divided the marital property.

Assignments of Error on Appeal: Craig assigns that the district court erred in its division of the marital property in several respects.

Facts: Craig and Chrissie were married in May 2008, and Chrissie filed for divorce in October 2013. The main issue at trial was determining the proper classification, valuation, and division of the parties' property. After trial, the district court entered an order dissolving the parties' marriage. Chrissie was awarded her vehicle, a 2009 Mazda, and Craig was awarded his vehicle, a 2010 Harley Davidson. Chrissie was awarded the marital residence, subject to its

mortgage, and most of the parties' personal property contained in the residence. Each party was assigned various credit card debts. Chrissie received a lump sum from Craig's pension, which represented a portion of Craig's pension as well as part of his accumulated sick, vacation, and compensatory time.

On appeal, Craig assigns numerous errors with respect to the classification, valuation, and division of the various assets owned by him and Chrissie. First, he claims that the district court erred in the date it chose to value his pension. He claims the chosen date has no rational relationship to the date of separation or dissolution.

Craig next asserts that the district court erred in awarding Chrissie a portion of the value of his accrued sick, vacation, and compensatory time. He argues that these benefits should not be considered a marital asset because there was no evidence presented to establish that he has an enforceable right to payment for his leave, and there is no competent way to ascertain the value of these benefits. In the alternative, he argues that even if the unused leave time is considered a marital asset, the district court improperly valued and divided this asset.

Craig also contends that the district court erred in failing to assign a value to the marital residence by calculating the difference between the value of the home and the mortgage balance.

Craig's next argument is that the parties' 2013 tax liability should have been treated as a marital debt and divided equitably between him and Chrissie.

Finally, Craig asserts that Chrissie's portion of the marital estate should be offset by the premarital debt she brought into the marriage which was reduced during the marriage using marital funds. Chrissie filed for bankruptcy prior to the marriage and was ordered to pay \$1,200 per month towards this obligation for 60 months. Therefore, during the marriage, she made approximately \$56,400 in payments towards this premarital debt. Chrissie acknowledges doing so, but she argues that she made the payments using 'her income' because she earned a higher income than Craig during the marriage.

Case Location

Concordia University

Panel Text

Irwin, Inbody and Riedmann, Judges
