

# Chmelka v. Chmelka

## Additional Case Names

1:50 pm

## Case Number

A-20-0043

## Court Number

Saunders

## Call Date

October 6, 2020

## Case Time

1:00 PM

## Case Audio

Download Audio

## Case Summary

### **A-20-0043, Michelle M. Chmelka (Appellant) v. Kyle L. Chmelka**

Saunders County District Court, Judge Christina M. Marroquin

Attorney for Appellant: John H. Sohl

Attorney for Appellee: Amie C. Martinez; Megan M. Zobel

Civil Action: Dissolution of Marriage

Action Taken by Trial Court: The Saunders County District Court dissolved the marriage between Michelle and Kyle. The parties were married in December 2014 and had two children together. Michelle filed for divorce in July 2018, and the court entered a temporary order granting joint legal and physical custody of the children with a week on / week off parenting time schedule. At trial, Michelle testified about two incidents of domestic abuse committed against her by Kyle. Kyle testified about the value of premarital farming assets he owned prior to 2014.

After trial, the district court entered a decree dissolving the parties' marriage. As relevant to the issues on appeal, the decree granted Michelle and Kyle joint legal and physical custody of the children, subject to a week on / week off parenting schedule. The trial court also found that \$312,725 (representing the value of stored grain, seeds, fertilizer, and chemicals) should be set off to Kyle as premarital property that he owned prior to the date of the marriage.

Assignments of Error on Appeal: Michelle assigns that the district court erred in (1) failing to find this is a case involving domestic abuse as defined in the Nebraska Parenting Act; (2) awarding joint legal and physical custody; (3) awarding equal parenting time; and (4) finding Kyle should receive a \$312,725 set off for farming assets he held prior to the marriage.

## Case Location

Lincoln

## Court Type

District Court

**Schedule Code**

A2

**Panel Text**

Pirtle, Chief Judge, Riedmann, and Arterburn, Judges

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