

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONNA SHARP, <sup>1</sup>	§	
	§	No. 168, 2011
Respondent Below,	§	
Appellant,	§	Court Below—Family Court of the
	§	State of Delaware, in and for Kent
v.	§	County
	§	
MATTHEW SHARP,	§	
	§	File No. CK08-01811
Petitioner Below,	§	Pet. No. 10-16503
Appellee.	§	

Submitted: June 17, 2011  
Decided: September 13, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 13<sup>th</sup> day of September 2011, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm, it appears to the Court that:

(1) On May 14, 2010, the appellee, Matthew Sharp (“Husband”), filed a rule to show cause petition alleging, in pertinent part, that the appellant, Donna Sharp (“Wife”), had failed to cooperate in listing the parties’ marital home for sale as ordered by the Family Court’s ancillary order of March 29, 2010. At a hearing held on November 9, 2010, the Family Court ordered that Wife cooperate with listing the marital home for sale in default of which Husband would be granted

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<sup>1</sup> By Amended Order dated April 6, 2011, the Court *sua sponte* assigned pseudonyms to the parties. Del. Supr. Ct. R. 7(d).

exclusive authority to list and sell the home. Thereafter, on January 5, 2011, the Family Court issued a written order memorializing its November 9, 2010 bench ruling. It does not appear that Wife filed an appeal from the March 29, 2010 ancillary order, November 9, 2010 bench ruling and/or January 5, 2011 order, as she had a right to do.

(2) On December 7, 2010, Husband filed a motion for contempt alleging that Wife had failed to comply with the court's November 9, 2010 bench ruling requiring that Wife cooperate with listing the marital home for sale. At a hearing held on March 3, 2011, the Family Court found Wife in contempt and issued an order authorizing Husband to list the marital home for sale and to sign the documents necessary to effectuate the sale of the home.

(3) Wife filed an appeal from the Family Court's March 3, 2011 order on Husband's motion for contempt. In her opening brief on appeal, however, Wife also alleges that the Family Court abused its discretion during the November 9, 2010 hearing on Husband's rule to show cause petition, when issuing the November 9, 2010 bench ruling and January 5, 2011 order, and when assigning a value to the marital home in the ancillary order of March 29, 2010.

(4) The Family Court's March 29, 2010 ancillary order, November 9, 2010 bench ruling and January 5, 2011 order are not properly before the Court in this appeal. The only order subject to review in this appeal is the Family Court's

finding of contempt at the March 3, 2011 hearing and the court's written order dated March 3, 2011 granting relief to Husband thereon.

(5) Having considered the parties' positions on appeal and the Family Court record, including the transcripts of the November 9, 2010 and March 3, 2011 hearings, we conclude that the March 3, 2011 decision should be affirmed. By statute, the Family Court has the authority to enter any order necessary to effectuate its judgment regarding the distribution of marital property.<sup>2</sup> There is nothing in the record supporting Wife's contentions that the Family Court abused its discretion or otherwise erred when finding Wife in contempt, when authorizing Husband to list the marital home for sale, and/or when requiring that Wife pay \$1,000.00 of Husband's attorney's fees.

NOW, THEREFORE, IT IS ORDERED that Husband's motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> Del. Code Ann. tit. 13, § 1315(f) (2009).