

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LARRY WINTERS,	§
	§
Respondent Below-	§ No. 353, 2002
Appellant/Cross-Appellee,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
CYNTHIA WHITE WINTERS,	§ File No. CN99-10377
	§ Petition No. 0140477
Petitioner Below-	§
Appellee/Cross-Appellant.	§

Submitted: August 15, 2003
Decided: October 20, 2003

Before **VEASEY**, Chief Justice, **HOLLAND**, and **STEELE**, Justices.

ORDER

This 20th day of October 2003, upon consideration of the parties' briefs on cross-appeal¹ and the record below, it appears to the Court that:

(1) The cross-appellant, Cynthia White Winters, filed this appeal from an order of the Family Court, dated May 28, 2002, which denied the parties' cross-applications seeking to hold the other party in contempt of the Family Court's property division order. We find no merit to the appeal. Accordingly, we affirm.

(2) The Family Court entered property division orders on August 8, 2000 and April 11, 2001. Pursuant to the August 2000 order, the premarital property of

¹ The appellant's appeal was dismissed on November 4, 2002 due to appellant's failure to pay the necessary filing fees.

each party was to be returned to that party. The parties each sought a rule to show cause against the other claiming that certain premarital property was never returned as ordered by the Family Court. The Family Court held a hearing on the cross-petitions and concluded, based on the testimony, that the parties had abandoned their respective claims to the premarital property in question. With respect to the cross-appellant, the Family Court found that she was directed to pick up her property by September 2000 and, despite being given ample time and opportunity, failed to do so. In her brief on appeal, the cross-appellant now asserts that she has witnesses who will support her version of events. She requests a remand to the Family Court for a new hearing.

(3) Having carefully considered the parties' respective positions, we find it manifest that the judgment below should be affirmed on the basis of the Family Court's well-reasoned decision dated May 28, 2002. The issue on appeal is factual and clearly there is sufficient evidence in this record to support the Family Court's factual findings.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Justice