

Commonwealth of Kentucky
Court of Appeals

NO. 2007-CA-001613-MR

WILLIAM HIRAM JOHNSON

APPELLANT

v. APPEAL FROM LAUREL CIRCUIT COURT
HONORABLE DURENDA LUNDY LAWSON, JUDGE
ACTION NO. 06-CI-00640

PHYLLIS DEBORAH JOHNSON

APPELLEE

OPINION
AFFIRMING

** ** * ** * ** *

BEFORE: COMBS, CHIEF JUDGE; NICKELL, JUDGE; GRAVES,¹ SENIOR JUDGE.

GRAVES, SENIOR JUDGE: William Hiram Johnson appeals from a post-decree order of the Laurel Circuit Court granting Phyllis Deborah Johnson permission to purchase the marital property. William argues that the trial court did not have jurisdiction to enter the order. We affirm.

¹ Senior Judge John W. Graves sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

The parties were married in 1971 and separated in 2003. The central issue in this appeal concerns the marital property which each party wished to purchase from the other. The trial court held a hearing on December 20, 2006. The decree was not entered until April 4, 2007. The court found that the parties were to contact Roy Sizemore to appraise the marital property within thirty days of the hearing. William was awarded the first opportunity to purchase Phyllis's share of the marital property and was to effectuate the purchase within ninety days of the appraisal. William failed to contact the appraiser and to effectuate the sale within the limits set by the trial court. Subsequently, Phyllis had the appraisal performed. The appraiser set the value of the marital property at \$26,000.00. On July 6, 2007, Phyllis made a motion for permission to purchase the marital property. The court granted the motion. This appeal followed.

William argues that the trial court lacked jurisdiction to grant Phyllis permission to purchase the marital property because the decree was final. He argues that Phyllis did not make a motion to alter or amend the decree nor did she otherwise attempt to reopen the judgment. Finality is not the issue in this case. The trial court simply entered an order enforcing its decree. The jurisdiction to enforce judgments remains in the trial court. *Penrod v. Penrod*, 489 S.W.2d 524, 527 (Ky. 1972).

Accordingly, the order of the Laurel Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Larry W. Gilliam
London, Kentucky

BRIEF FOR APPELLEE:

Hailey S. Bonham
London, Kentucky