

No. 96-689

IN THE SUPREME COURT OF THE STATE OF MONTANA

1997

IN RE MARRIAGE OF

JACK N. KINNEY,

Petitioner and Respondent,

and

SANDRA L. ROBERTS NELSON-KINNEY,

Respondent and Appellant.

FILED

JUN 09 1997

Ed Smith
CLERK OF SUPREME COURT
STATE OF MONTANA

APPEAL FROM: District Court of the Fifth Judicial District,
In and for the County of Jefferson,
The Honorable Frank M. Davis, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Sandra L. Roberts Nelson-Kinney, Pro Se, Clancy, Montana

For Respondent:

Eric Rasmusson, Attorney at Law, Boulder, Montana

Submitted on Briefs: May 22, 1997

Decided: June 9, 1997

Filed:


Clerk

MEMORANDUM

Pursuant to Section I, Paragraph 3(c), Montana Supreme Court 1995 Internal Operating Rules, the following decision shall not be cited as precedent and shall be published by its filing as a public document with the Clerk of the Supreme Court and by a report of its result to State Reporter Publishing Company and West Publishing Company.

This is an appeal, pro se, by Sandra L. Roberts Nelson-Kinney. Sandra appeals from the final decree of dissolution issued by the Fifth Judicial District Court, Jefferson County. She disagrees with the distribution of real property. We affirm.

The parties were married on January 19, 1982, and their marriage was dissolved on October 9, 1991. The October 9, 1991, decree of dissolution disposed of all matters except the issue of disposition of real property, due to the interest of a third party. The real property at issue is located at 78 and 80 Alhambra Road, Clancy, Montana.

On or about April 9, 1996, Jack N. Kinney filed his request to finalize the decree of dissolution. The District Court held a hearing on May 2, 1996. After the hearing, the District Court entered findings of fact, conclusions of law, and a final decree of dissolution. The District Court awarded the real property at issue to Jack.

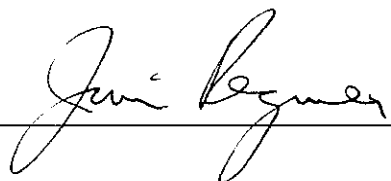
Following entry of the District Court's findings of fact, conclusions of law, and decree, Sandra, appearing pro se, filed an appeal. This Court summarizes Sandra's assertions, statements, and arguments in her initial brief as follows: (1) alleged marital misconduct by Jack; (2) Sandra's alleged desire to reconcile with Jack; (3) re-open the entire proceedings, including the 1991 decree of dissolution; (4) District Court Judge Frank M. Davis, attorney

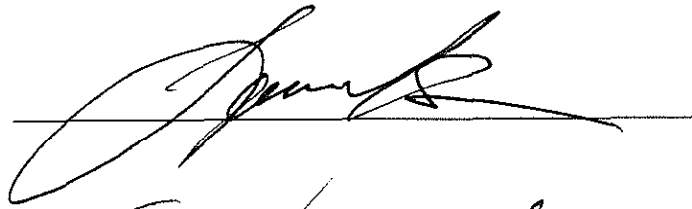
Bob Cummings, counsel for Jack, and the entire legal system has conspired to deprive Sandra of the Clancy property; (5) other judicial proceedings she was involved with in some capacity; (6) allegations that Jack physically, sexually, and emotionally abused Sandra during the course of the marriage; and (7) Jack's alleged link to white supremacist groups. This Court concludes that the foregoing arguments are irrelevant and do not concern the issue before this Court.

In the District Court's findings of fact, conclusions of law, and decree, Judge Davis found that Jack and his brother, Ken, purchased the real property in July 1981, and that they made all the payments and improvements thereon. The District Court determined that there was no credible or admissible evidence of any financial contribution made by Sandra for the purchase of the property. The District Court also considered such factors as the length of the marriage, the comparative ages and health, employment status and skills, respective income, respective contributions, and source of property. These factors, as set forth in § 40-4-202, MCA, were resolved by the District Court in favor of Jack and against Sandra.

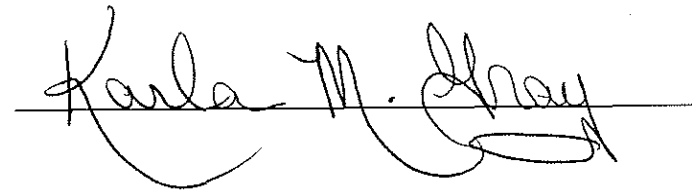
Having reviewed the entire record in this case, we conclude that there was no reversible error committed by the trial court and we agree with the District Court's rationale and decision in its findings of fact and conclusions of law dated November 6, 1996, and final decree of dissolution entered on November 22, 1996.

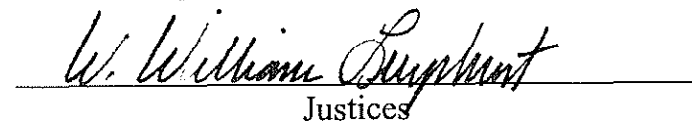
Affirmed.











Justices

June 9, 1997

CERTIFICATE OF SERVICE

I hereby certify that the following certified order was sent by United States mail, prepaid, to the following named:

SANDRA L. ROBERTS NELSON-KINNEY
80 OLD ALHAMBRA ROAD
CLANCY MT 59634

ERIC RASMUSSEN
ATTORNEY AT LAW
PO BOX 587
BOULDER MT 59632-0587

ED SMITH
CLERK OF THE SUPREME COURT
STATE OF MONTANA

BY: 
Deputy