

No. 04-016

IN THE SUPREME COURT OF THE STATE OF MONTANA

2004 MT 246N

JAMES D. HASS,

Petitioner and Appellant,

v.

SHIRLEY HASS,

Respondent and Respondent.

APPEAL FROM: District Court of the Third Judicial District,
In and for the County of Deer Lodge, Cause No. DR 96-75
The Honorable Ted L. Mizner, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Brian T. Atcheson, Esq., Attorney at Law, Butte, Montana

For Respondent:

Patrick T. Gallagher, Skakles & Gallagher, Anaconda, Montana

Submitted on Briefs: August 18, 2004

Decided: September 8, 2004

Filed:

Clerk

Justice James C. Nelson delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(d)(v), Montana Supreme Court 1996 Internal Operating Rules, as amended in 2003, the following memorandum decision shall not be cited as precedent. Its case title, Supreme Court cause number and disposition shall be included in this Court's quarterly list published in the Pacific Reporter and Montana Reports.

¶2 James D. Hass (James) appeals the judgment of the Third Judicial District Court, Deer Lodge County, enforcing a Decree of Dissolution which stated that James was obligated to pay certain debts. The District Court found, in pertinent part, that James had failed to pay the debts, thereby concluding that Shirley Hass was "entitled to full reimbursement and payment of the remainder amount [of the outstanding debts]."

¶3 James raises three issues on appeal, which we decline to address. Review of the record shows that James did not raise these issues at the District Court level. We have repeatedly held that we will not review issues raised here for the first time on appeal, as it is unfair to fault the District Court for something that it never had opportunity to decide. *In re Marriage of Killpack*, 2004 MT 55, ¶ 10, 320 Mont. 186, ¶ 10, 87 P.3d 393, ¶ 10.

¶4 Therefore, the District Court's decision is affirmed.

/S/ JAMES C. NELSON

We Concur:

/S/ KARLA M. GRAY

/S/ JOHN WARNER

/S/ JIM REGNIER

/S/ JIM RICE