

NO. 26290

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

RAMONA AULELEI HUGHES, Plaintiff-Appellee, v.
WILLIAM KIZER HUGHES, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-DIVORCE NO. 02-1-2407)

LEI RIVARDO
INTERMEDIATE COURTS
STAFF OF HAWAII

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FILED

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Lim and Fujise, JJ.)

William Kizer Hughes (Defendant) appeals the November 17, 2003 divorce decree of the Family Court of the First Circuit (family court)¹ that dissolved his marriage to Ramona Aulelei Hughes (Plaintiff). Defendant also appeals the September 22, 2003 order denying his August 8, 2003 motion for new trial or reconsideration.

On appeal, Defendant challenges the family court's award of spousal support to Plaintiff in the amount of \$2,000.00 per month for two years. Defendant also contests the family court's award of \$25,000.00 to Plaintiff, representing her share in the division of the 'Aiea real property. Finally, Defendant avers that, while he has no objection in principle to the family court's order that he assume the majority of the marital debt and pay half the cost of Plaintiff's COBRA health care coverage, that order is "excessive" in light of the spousal support the family court decreed he must pay to Plaintiff.

¹ The Honorable Gale L.F. Ching presided.

After a meticulous review of the record and the briefs submitted by the parties, and giving careful consideration to the arguments advanced and the issues raised by the parties, we dispose of Defendant's appeal as follows:

1. In the divorce decree, the family court made the following disposition of the parties' "Household Furniture, Furnishings and Effects":

Plaintiff is awarded the following items:

[(list of specific items)]

Plaintiff and her counsel will make the necessary arrangements to inspect and pick up the above items at the subject marital residence and will also be allowed to inspect the Defendant's family home as well for any marital property. The parties are to itemize the remaining household furnishings and equally divide the items in an amicable fashion. In the event that the parties are not able to do so, then the Parties are to submit an itemized list of the household furnishings that are in dispute for the Court to decide on.

"*Sua sponte* we conclude that we do not have appellate jurisdiction to review the district family court's decisions and orders as to the division and distribution of the property and debts over which the district family court had jurisdiction" because those decisions and orders are "not final and appealable because the district family court has not fully and finally divided and distributed all of the property and debts of the Plaintiff and the Defendant over which it had jurisdiction." Eaton v. Eaton, 7 Haw. App. 111, 118-19, 748 P.2d 801, 805 (1987) (citation omitted).

2. The family court did not abuse its discretion in

setting the spousal support payable by Defendant to Plaintiff. Hawaii Revised Statutes § 580-47(a) (Supp. 2005); Cassiday v. Cassiday, 6 Haw. App. 207, 215-16, 716 P.2d 1145, 1151 (1985), aff'd in part and rev'd in part on other grounds, 68 Haw. 383, 716 P.2d 1133 (1986).

Therefore,

IT IS HEREBY ORDERED that those parts of the November 17, 2003 divorce decree dissolving the marriage and awarding spousal support are affirmed. Because we do not have appellate jurisdiction to review the family court's decisions and orders as to the division and distribution of the property and debts over which the family court had jurisdiction, we dismiss the remainder of Defendant's appeal.

DATED: Honolulu, Hawai'i, October 3, 2006.

On the briefs:

Robert M. Harris,
for Defendant-Appellant.

Brian A. Costa and
James A. DeLacy,
(Costa & DeLacy, LLC)
for Plaintiff-Appellee.


Presiding Judge


Associate Judge


Associate Judge