

1966

## Donald F. Slaughter v. Marian T. Slaughter : Appellant's Reply Brief

Follow this and additional works at: [https://digitalcommons.law.byu.edu/uofu\\_sc1](https://digitalcommons.law.byu.edu/uofu_sc1)

Original Brief submitted to the Utah Supreme Court; funding for digitization provided by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Utah State Library, and sponsored by the S.J. Quinney Law Library; machine-generated OCR, may contain errors. Harold R. Boyer; Attorneys for Defendant-Appellant.

---

### Recommended Citation

Reply Brief, *Slaughter v. Slaughter*, No. 10602 (1966).  
[https://digitalcommons.law.byu.edu/uofu\\_sc1/4840](https://digitalcommons.law.byu.edu/uofu_sc1/4840)

This Reply Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs (cases filed before 1965) by an authorized administrator of BYU Law Digital Commons. For more information, please contact [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu).

**IN THE SUPREME COURT  
OF THE STATE OF UTAH**

---

**RONALD F. SLAUGHTER,**  
*Plaintiff and Respondent,*

VS.

**ERNEST T. SLAUGHTER,**  
*Defendant and Appellant.*

---

**APPELLANT'S REPLY**

---

Appeal From the Judgment of  
The Third Judicial District Court,  
Salt Lake County,  
The Honorable Thomas M. ...

---

**ERNEST F. BALDWIN,**  
**ERNEST T. SLAUGHTER,**  
**ERNEST T. SLAUGHTER & BALDWIN,**  
Kearns Building  
Salt Lake City, Utah  
*Attorneys for*  
*Plaintiff-Respondent.*

## TABLE OF CONTENTS

	<i>Page</i>
STATEMENT .....	1
ARGUMENT .....	1
POINT I	
THE DIVISION OF THE PROPERTY IS INEQUITABLE AND UNJUST .....	1
CONCLUSION .....	4

# IN THE SUPREME COURT OF THE STATE OF UTAH

---

DONALD F. SLAUGHTER,  
*Plaintiff and Respondent,*

vs.

MARIAN T. SLAUGHTER,  
*Defendant and Appellant.*

} Case No.  
10602

---

## APPELLANT'S REPLY BRIEF

---

### STATEMENT

The nature of the case, disposition in the lower court, relief sought on appeal and Statement of facts, are set forth in the Brief of Appellant now on file with this Court. Appellant's Reply Brief is short but is deemed necessary in order to correct statements in Respondent's Brief which are unsupported in the record.

### ARGUMENT

#### POINT I

**THE DIVISION OF THE PROPERTY IS IN-  
EQUITABLE AND UNJUST.**

In an attempt to justify the division of property made by the trial court, Respondent says, on page 9 of

his brief, "It is evident that the Court attempted to make an approximate 50-50 division of the jointly accumulated property of the parties . . ." To arrive at the foregoing, the Respondent would place a value of \$4500.00 on the furniture awarded to Appellant and would add to the property awarded to her the sum of \$2600.00 for withdrawals made by her from a joint bank account. The record does not justify the division made by the trial court in such manner. As to the furniture, the Court said, "I don't care what the value is . . ." (R103), "I know it is not worth \$4500.00" (R114). As to the funds withdrawn by the Appellant, the amount thereof is in dispute. Appellant claims the amount did not exceed \$1800.00 (R97). In any event the amount claimed by Respondent is offset to the extent of \$2355.00 which is the value of corporate stocks appropriated by him (R102). The stocks in question were in the joint names of the parties, were included among the stocks appropriated by Respondent, but not included with the stocks which he sold. They were retained by him (R87 and 102). No mention is made of these stocks in the division of property by the Court. Failure of disposition in the decree is tantamount to an award thereof to Respondent. Excluding the furniture, the value of the property awarded to the parties is as follows:

To Respondent .....	\$40,378.00
To Appellant .....	\$33,297.00
	<hr/>
Excess to Respondent .....	\$ 7,081.00

The value of the stocks in question, when added to the property awarded to Respondent, brings the total to

\$42,733.00 and makes an excess to Respondent in the sum of \$9,436.00. When increased by the value of the inheritance the total is \$57,733.00 and the excess is \$24,436.00. Thus, by the Court's division, Respondent takes almost twice as much property as Appellant. Such is inequitable and unjust and an abuse of discretion.

Respondent would justify the Court in allowing him to retain the inheritance from his mother on the basis that it was not acquired through the joint efforts of the parties and that Appellant has no interest therein. The claims of Respondent, if supported by the record, would be factors for consideration but do not, per se, require the result reached by the Court. The record does not support Respondent's claims. Respondent received the inheritance during the marriage and before he commenced action for divorce. He sent his mother \$30.00 per month from the time of his father's death in about 1947 or 1948 until her death in 1964, a period of 16 to 17 years (RS9). Thus, in effect, included in the inheritance is the sum of approximately \$6,000.00 which came from the joint assets of the parties hereto. The Court was not justified on the basis suggested by Respondent, or otherwise, in allowing him to retain the inheritance.

## CONCLUSION

No justification for the division of the property made by the Court is found in Respondent's brief, nor is there any in the record. Appellant must look to this Court for correction of the inequity of the Court below.

Respectfully submitted,  
HAROLD R. BOYER  
Of ROMNEY & BOYER  
1409 Walker Bank Bldg.  
Salt Lake City, Utah

*Attorneys for  
Defendant-Appellant*