

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

Former wife,
vs. Case No. DR N
,
Former husband,

ORDER DENYING MOTION TO SHOW CAUSE

This matter having come before the court today on the former wife’s “Motion to Show Cause”, it is ordered:

1. Findings

The former wife’s motion says that the former husband has not paid an equalization payment of \$15,500 to the former wife in equitable distribution, as he was ordered to do by the Final Judgment.

2. Ruling

The court has no authority to use contempt power to enforce an executory agreement in a marital settlement agreement for the payment of a marital debt or for the division of property. Likewise, the court has no authority to use contempt power to enforce an equitable distribution order in a Final Judgment. Rather, for breach of an agreement that divides the parties’ assets and liabilities or for violation of an equitable distribution order in a Final Judgment, the aggrieved party has the usual remedies available to a creditor for breach of contract, which means a suit in a court of competent jurisdiction for breach of a contract or the order in the Final Judgment. Contempt authority is available only to enforce support orders. *See, e.g., Whelan v. Whelan*, 736 So.2d 732 (Fla. 4th DCA 1999); *Filan v. Filan*, 549 So.2d 1105 (4th DCA Fla. 1989) and *Veiga v. State*, 561 So.2d 1335 (Fla. 5th DCA 1990), in which the court said: “Property division awards may not be enforced by contempt; the only remedies are those available to creditors against debtors.” *Id.* at 1336 (*Citations omitted*).

Done and ordered in Fort Myers, Lee County, Florida, this _____

R. Thomas Corbin, Circuit Judge

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