

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

SEP 03 2024

*Shirley A. Johnson Lepp*  
Clerk

\* \* \* \*

JOSEPH DANIEL LeFORS,	)	ORDER DIRECTING ISSUANCE
Plaintiff and Appellant,	)	OF JUDGMENT OF AFFIRMANCE IN
	)	PART AND REVERSAL IN PART
vs.	)	
	)	#30544
KRISTA MAE LeFORS,	)	
Defendant and Appellee.	)	

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The Court having, pursuant to SDCL 15-26A-87.1(A), considered all of the briefs filed in the above-entitled matter, together with the appellate record, and having concluded that it is manifest on the face of the briefs and the record that Appellant's claim that the circuit court erred by denying his request for entry of a decree of divorce nunc pro tunc to June 30, 2022, is controlled by our holding in *LeFors v. LeFors (LeFors I)*, 2023 S.D. 24, 991 N.W.2d 675, and is without merit and therefore denied; and it is further

ORDERED that Appellant's claims that the court erred in the equitable division of the parties' assets and debt, including the military retirement, and erred by awarding Appellee alimony for a period of eight years, reimbursement for the parental loan, BAH backpay, and division of the SBP premium payment are denied. These are issues of judicial discretion and there clearly was not an abuse of discretion. The circuit court's rulings on these issues are affirmed pursuant to SDCL 15-26A-87.1(A)(3); and it is further

ORDERED, that because our decision in *LeFors I* vacated the permanent alimony award in the decree of separate maintenance, reversal is warranted pursuant to SDCL 15-26A-87.1(C)(2) as to the circuit court's failure to eliminate the accrued alimony arrearages. The case is therefore remanded to determine the portion of the arrearages attributable to the now-vacated alimony awarded in the decree of separate maintenance; and it is further


ORDERED, that because the award of \$25,750 in military retirement backpay for the months of January through October 2023 appears to reflect 100% of the backpay received rather than the 50% the circuit court actually awarded, the award of military retirement backpay is remanded for recalculation of an amount that constitutes 50% of the total backpay "less 50% of the taxes and 50% of the SBP," as ordered by the court; and it is further

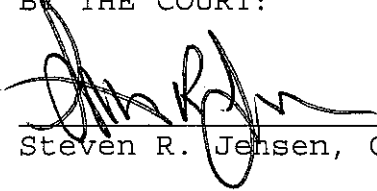
ORDERED, that Appellee's request for attorney fees is denied.

DATED at Pierre, South Dakota, this 3rd day of September, 2024.

BY THE COURT:

ATTEST:

  
\_\_\_\_\_  
Clerk of the Supreme Court  
(SEAL)

  
\_\_\_\_\_  
Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern,  
Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.