

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

Justin T.
Petitioner Below, Petitioner

v.) No. 25-814 (ICA No. 25-ICA-103)

Haleigh T.
Respondent Below, Respondent

MEMORANDUM DECISION

Petitioner Justin T. appeals the memorandum decision of the Intermediate Court of Appeals (“ICA”) affirming the Family Court of Marion County’s February 12, 2025, final divorce order granting, in part, the respondent the first right to refinance and to purchase the petitioner’s interest in certain real estate (“the property”) purchased by the parties during the marriage.¹ *See Justin T. v. Haleigh T.*, No. 25-ICA-103, 2025 WL 3014034 (W. Va. Ct. App. Oct. 28, 2025) (memorandum decision). On appeal, the petitioner challenges the family court’s grant of the right to refinance and purchase the property to the respondent and the ICA’s affirmance thereof.

On February 12, 2025, the family court entered a divorce decree adopting the parties’ property settlement agreement wherein the parties agreed that the property would be granted to the party of the family court’s choosing and that party would be given the opportunity to essentially purchase the other party’s interest in the property. Put simply, the parties agreed upon *how* the property would be disposed of but agreed that the family court would decide *who* was to retain it. After hearing the parties’ testimony on the matter, the court awarded the respondent the first right to refinance and purchase the petitioner’s interest in the property. The petitioner appealed this ruling to the ICA, which affirmed the family court’s ruling. *Id.* at *3 (finding, among other things, that “the parties agreed that the family court would decide which of them would be entitled to purchase the property from the other”).

On appeal of a family court’s final order from the ICA, this Court reviews the family court’s findings of fact for clear error, the family court’s application of the law to the facts for an abuse of discretion, and questions of law de novo. Syl. Pt. 3, *Christopher P. v. Amanda C.*, 250 W. Va. 53, 902 S.E.2d 185 (2024). Before this Court, the petitioner first contends that the family court abused its discretion by granting the respondent the right to purchase the property because it ignored the petitioner’s family’s historic ownership, injected the respondent’s parents’ and the

¹ The petitioner appears by counsel Mark W. Kelley. The respondent appears by counsel Kristine A. Burdette. Additionally, we use initials where necessary to protect the identities of those involved in this case. *See* W. Va. R. App. P. 40(e).

parties' children's interests into the equitable distribution analysis, and improperly weighed the evidence. The respondent counters that no legal authority directs family courts to consider historical ownership, that the family court did *not* consider the respondent's parents' interest but correctly considered the children's best interests, and weighed the evidence appropriately. The petitioner replies that he contributed more labor to the property, that historical ownership may be considered even though it is not explicitly listed in the relevant statute, and that the family court's analysis led to an absurd result. Having considered the record and the briefs, we find no reversible error and therefore summarily affirm the ICA's decision. *See* W. Va. R. App. P. 21(c).

Affirmed.

ISSUED: September 22, 2026

CONCURRED IN BY:

Chief Justice C. Haley Bunn
Justice William R. Wooton
Justice Charles S. Trump IV
Justice James W. Flanigan

DISSENTING:

Justice H. L. Kirkpatrick

Kirkpatrick, Justice, dissenting:

I dissent to the majority's resolution of this case. I would have set this case for oral argument to thoroughly address the error alleged in this appeal. Having reviewed the parties' briefs and the issues raised therein, I believe a formal opinion of this Court was warranted, not a memorandum decision. Accordingly, I respectfully dissent.