

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

LEE ANN B. YOURKO v. MICHAEL B. YOURKO
(Record Number 220039)

From

The Court of Appeals of Virginia.

Counsel

Heather Larson Pedersen and Kyle J. Burcham (Pedersen Law, PLLC) for appellant.

Charles E. Haden (Law Office of Charles E. Haden) for appellee.

Assignments of Error

1. The Court of Appeals erred in holding that the trial court's order divided Husband's disability pay.
2. The Court of Appeals erred in holding that the trial court's order required Husband to pay 140% of Husband's retirement benefits to Wife.
3. The Court of Appeals erred in reversing the trial court by overruling prior precedent, specifically *Owen v. Owen*, 14 Va. App. 623 (1992) and *McLellan v. McLellan*, 33 Va. App. 376 (2000).
4. The Court of Appeals erred in interpreting and applying *Howell v. Howell*, 137 S. Ct. 1400 (2017) such that Virginia Courts may not incorporate or issue orders permitting servicemembers to make contracts, guarantees or indemnification promises to former spouses pursuant to Va. Code Ann. Section 20-109.1.
5. The Court of Appeals erred in holding that the trial court erred in ordering the incorporation of the contractual indemnification provisions of the parties' Property Settlement Agreement as court action contradictory to *Howell*, whereas *Howell* was limited to an order of indemnification by court action only, and did not involve the issue of the incorporation of a parties' agreement, which is not contradictory to *Howell*.