COURT OF APPEALS OF VIRGINIA

Record No. 2126-24-2

HAMPTON H. JACKSON, JR.
v.
CRYSTAL N. JACKSON

Present: Judges Athey, White and Senior Judge Petty
Argued at Richmond, Virginia

Opinion Issued October 27, 2026[*]

FROM THE CIRCUIT COURT OF CHESTERFIELD COUNTY
Steven B. Novey, Judge

Reginald M. Barley for appellant.

Misty Roundtree (JustLaw, PLLC, on brief), for appellee.

MEMORANDUM OPINION BY
JUDGE KIMBERLEY SLAYTON WHITE

Hampton H. Jackson, Jr. (husband) appeals the circuit court's order reinstating on the docket his divorce from Crystal N. Jackson (wife) and equitably distributing the marital home. Husband contends that the court lacked jurisdiction to enter the order and erred in its valuation of the home. He also challenges the circuit court's award of attorney fees to wife. Because we agree that the circuit court lacked jurisdiction to equitably distribute the marital home, we vacate the circuit court's order.

[*] This opinion is not designated for publication. *See* Code § 17.1-413(A).

BACKGROUND[1]

After a 16-year marriage, the circuit court granted the parties a divorce and equitably distributed the marital estate in 2018. The dispute included a home that husband had purchased in 1994, which wife and her daughter moved into after the marriage. Husband, along with his witness, testified that in 2003 he re-deeded the home into both parties' names.[2] The parties then moved out and began using the home as a rental property. The circuit court found that the jointly titled home had transmuted to marital property and that it lacked evidence to trace husband's separate share.[3] The circuit court also found that the parties had failed to present sufficient evidence of the home's "value, . . . equity, [or] any encumbrances." The circuit court concluded that it had "to leave the parties to any future remedy in a partition suit, or any other remedy they deem appropriate." The final divorce decree, entered April 16, 2018, indicated that "[a]ll purposes of the instant cause" were accomplished.[4] We affirmed the circuit court's judgment on appeal. *Jackson v. Jackson*, No. 0734-18-2 (Va. Ct. App. Dec. 26, 2018).

After the divorce, the parties discussed selling the home and evenly splitting the proceeds, but eventually those talks deteriorated. In late November 2020, wife sued for partition of the home, and the matter was transferred to the Circuit Court of the City of Richmond. In early 2022, the

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[1] On appeal, we take the evidence in the light most favorable to wife, the prevailing party below. *See D'Ambrosio v. D'Ambrosio*, 45 Va. App. 323, 335 (2005).

[2] The only deed for the property introduced at trial, however, was the 1994 deed in the husband's name only. The 2003 transaction involved a refinance and required a deed of trust rather than a deed of bargain and sale to be issued in both names. Despite engaging in pre-trial discovery, neither counsel challenged the testimony nor attempted to verify or clarify the title to the property.

[3] We affirmed the circuit court's determination on husband's appeal. *Jackson v. Jackson*, No. 0734-18-2 (Va. Ct. App. Dec. 26, 2018).

[4] The divorce decree retained jurisdiction 90 days after its entry for entry of any QDRO and ADRO, followed by an additional 45 days following the entry of any such order.

Richmond court dismissed the partition suit because, unbeknownst to wife, she had no ownership interest in the home. And by then, husband had sold the home on November 10, 2020, without wife's knowledge. On August 9, 2022, wife moved the circuit court to reinstate the divorce case. She requested that the circuit court equitably distribute the sale proceeds and rental income and award her attorney fees.

The circuit court reinstated the divorce case. At a hearing, husband moved to dismiss, arguing that the circuit court lacked jurisdiction to make an equitable distribution four years after the final divorce decree. Citing Code § 20-121.1 and denying the motion, the circuit court found that the parties had not obtained complete relief in the divorce decree and held a contested hearing. At the hearing, the circuit court reviewed the final decree. Wife presented evidence of the 2018 equitable distribution transcript, rental income, her efforts to work with husband to sell the property, the partition suit, and the sale proceeds. She testified that she always thought she had joint title of the home, she had not been involved in the home's sale, and she did not receive any of the proceeds. Husband presented evidence of his management of the tenant, his income, and the costs of home repairs. He claimed wife wanted nothing to do with the property, testified that wife did not deserve a part of the proceeds, and confirmed his refusal to share. He also admitted that he knew "all along" that the property was not jointly titled and acknowledged that he had presented evidence to the contrary at the divorce hearing.

Afterward, the circuit court found that the home was not jointly titled, so a partition suit was not possible. The circuit court recognized that this finding contradicted the finding in the divorce decree that the property had been "re-deeded into both parties' names." The circuit court blamed the discrepancy on husband's previous, inaccurate evidence. The circuit court then determined it had continuing jurisdiction pursuant to Code § 20-107.3(K) to "effectuate and enforce" the final divorce decree's ruling. Over husband's objection, the circuit court found the proceeds from the

sale, alone, evidenced the home's value. It then equitably divided those proceeds, the rental income, and escrow among the parties, considering the equitable distribution factors in Code § 20-107.3(E). The circuit court also ordered husband to pay $6,000 of wife's attorney fees for resisting the circuit court's disposition and denied his motion to reconsider. Husband appeals.

ANALYSIS

"Before any court can proceed to the adjudication of a given case, it must first determine whether it has subject matter jurisdiction over the case." *Moroney v. Majerus*, 82 Va. App. 737, 748 (2024) (quoting *Hood v. Commonwealth*, 75 Va. App. 358, 363 (2022)). "A question regarding jurisdiction is a matter of law. 'We review the trial court's statutory interpretations and legal conclusions *de novo.*'" *Everett v. Carome*, 65 Va. App. 177, 185 (2015) (quoting *Craig v. Craig*, 59 Va. App. 527, 539 (2012)). "When the language of a statute is unambiguous, we are bound by the plain meaning of that language." *Lisann v. Lisann*, 304 Va. 242, 264 (2025) (quoting *Conyers v. Martial Arts World of Richmond, Inc.*, 273 Va. 96, 104 (2007)).

Husband argues that the circuit court had no jurisdiction to amend the final divorce decree. For the following reasons, we agree that the circuit court lacked jurisdiction to equitably distribute the marital home under Code § 20-107.3(K) and Code § 20-121.1.

I. The circuit court exceeded its continuing authority to effectuate and enforce the final divorce decree under Code § 20-107.3(K).

"Jurisdiction in divorce suits is purely statutory, conferred in clear, detailed language." *Brown v. Brown*, 69 Va. App. 462, 469 (2018) (quoting *Est. of Hackler v. Hackler*, 44 Va. App. 51, 67 (2004)); Code § 20-96 ("The circuit court shall have jurisdiction . . . for divorces."). The circuit court's jurisdiction includes ancillary matters like equitable distribution of marital property under Code § 20-107.3. *Brown*, 69 Va. App. at 469. Subsection (A) of the statute allows a circuit court to "retain jurisdiction in the final decree of divorce to adjudicate the remedy provided by this section" when certain conditions are met. Code § 20-107.3(A). "[W]hen jurisdiction is vested in a court by

statute, that jurisdiction is limited by the terms of the statute." *Toomey v. Toomey*, 251 Va. 168, 170 (1996).

"It is well-established that 'a final judgment is one which disposes of the entire action and leaves nothing to be done except the ministerial superintendence of execution of the judgment.'" *Bistro Manila, LLC v. Alvah I LLC*, 83 Va. App. 300, 308 (2025) (quoting *Super Fresh Food Mkts. of Va. v. Ruffin*, 263 Va. 555, 560 (2002)); Rule 1:1(b). "Rule 1:1[(a)] provides that such orders 'shall remain under the control of the trial court and subject to be modified, vacated, or suspended for twenty-one days after the date of entry, and no longer.'" *Cabral v. Cabral*, 62 Va. App. 600, 606 (2013). "Once a final judgment has been entered and the [21-day] time period of Rule 1:1 has expired, the trial court is thereafter without jurisdiction in the case." *Abanda v. Commonwealth*, 81 Va. App. 354, 359 (2024) (alteration in original) (quoting *Super Fresh*, 263 Va. at 563). If the court "d[oes] not retain jurisdiction in the divorce decree to adjudicate equitable distribution," under Code § 20-107.3(A), its authority to do so expires with the conclusion of the 21-day period following entry of the divorce decree. *Toomey*, 251 Va. at 171. "[W]e treat orders in violation of Rule 1:1 as 'void ab initio.'" *Cabral*, 62 Va. App. at 608.

Code § 20-107.3(K) provides a limited exception to the 21-day deadline. *Id.* It grants a circuit court "the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section," including authority to set a date for transfers or divisions of certain assets, punish noncompliance as contempt, and appoint a special commissioner. Code § 20-107.3(K)(1)-(3). The only subsection of the statute that permits a circuit court to *modify* a final order applies to "awards dealing with pensions or retirement benefits." *Hart v. Hart*, 35 Va. App. 221, 230-31 (2001); Code § 20-107.3(K)(4).

The divorce decree entered on April 16, 2018, was a final order subject to Rule 1:1(a) that did not bifurcate equitable distribution and reserve jurisdiction to decide it later. Given that Rule

1:1's 21-day deadline has long since expired,[5] the circuit court lost jurisdiction to amend that decree and to equitably distribute the parties' marital property. *Abanda*, 81 Va. App. at 359; *Toomey*, 251 Va. at 171. Accordingly, the divorce decree determined the fate of the home under the equitable distribution statute when it decided the house was jointly titled, marital property. The decree, however, did not equitably distribute the property but instead left it to the parties to determine distribution because it lacked valuation evidence. Changing the legal title determination, valuing the home from its sale, and equitably dividing sale proceeds and rental income went beyond "effectuating and enforcing" the final divorce decree; it *modified* the award. The post-judgment modification was unrelated to pensions or retirement benefits; thus, it fell outside the scope of Code § 20-107.3(K)'s limited exception to Rule 1:1(a). *Hart*, 35 Va. App. at 230-31. "[T]he trial judge could not avoid the bar of Rule 1:1 and rule on a substantive, contested issue that was encompassed by the terms of the final decree." *Decker v. Decker*, 22 Va. App. 486, 495 (1996). Viewed through the proper statutory lens, the circuit court erred in finding that this statutory exception permitted it to value and equitably distribute the proceeds of the property under the equitable distribution statute.

II. Code § 20-121.1 did not grant the circuit court independent authority to reconsider its equitable distribution analysis of the marital home.

"Code § 20-121.1 authorizes a circuit court to reinstate a suit that has been stricken from the docket in order to grant complete relief." *Crabtree v. Crabtree*, 17 Va. App. 81, 85 (1993).

> In any suit which has been stricken from the docket, and in which complete relief has not been obtained, upon the motion or application of either party to the original proceedings, the same shall be reinstated upon the docket for such purposes as may be necessary to grant full relief to all parties.

Code § 20-121.1. "[A]lthough a final divorce decree ha[s] been entered, when [a] case [i]s reinstated on the docket of the circuit court, the case [i]s 'pending' for consideration of those matters

[5] The time retained for entry of the retirement orders had also expired.

over which the circuit court ha[s] continuing jurisdiction." *Crabtree*, 17 Va. App. at 85. But we have held that the statutory grant under Code § 20-121.1 is limited. Our cases have applied the statute to continuing jurisdiction over matters left explicitly unresolved by the final decree, matters outside equitable distribution that remain under the circuit court's jurisdiction, or enforcement of settled terms specified in the decree.[6] Once a circuit court loses jurisdiction to perform equitable distribution, the statute does not permit reconsideration. *Patel v. Patel*, 33 Va. App. 776, 782-83 (2000).

Absent jurisdiction, the circuit court had no authority to reconsider its adjudication of the marital home in the final divorce decree under Code § 20-121.1. *Crabtree*, 17 Va. App. at 85. The statute itself does not confer "in clear, detailed language" jurisdiction. *Brown*, 69 Va. App. at 469. Consequently, the circuit court erred in applying this statute to justify its reconsideration of its analysis of the marital home.

CONCLUSION

The circuit court's order modifying its equitable distribution in the final divorce decree violated Rule 1:1(a) and is void ab initio. *Cabral*, 62 Va. App. at 608. "[W]here a court lacks subject matter jurisdiction, the case must be dismissed." *Commonwealth v. Mattocks*, ___ Va. ___, ___ (2026) (alteration in original) (quoting *Williams v. Williams*, 61 Va. App. 170, 184 (2012)). For

[6] *See Griffin v. Griffin*, 62 Va. App. 736 (2014) (concluding that an ex-wife was entitled to a QDRO enforcing a property settlement agreement); *Crabtree*, 17 Va. App. 81 (holding that a circuit court has continuing jurisdiction to "change or modify its decree as to matters affecting custody, support, and visitation"); *Layne v. Layne*, 61 Va. App. 32 (2012) (allowing a party to seek visitation through the statute). *Cf. Patel v. Patel*, 33 Va. App. 776 (2000) (rejecting the claim that the trial court retained jurisdiction over equitable distribution beyond the 60 days specified in the final decree); *Calfee v. Calfee*, 29 Va. App. 88 (1999) (holding that a circuit court's surrendering jurisdiction to a juvenile and domestic relations district court ended the circuit court's jurisdiction over equitable distribution matters).

the foregoing reasons, the circuit court's order is vacated and the case is remanded to the circuit court with instructions that it dismiss wife's motion to reinstate the case to the docket.

Vacated and remanded.