

In Divorce, Who Gets the Season Tickets to **UK** Basketball?

By Ross T. Ewing

It probably will surprise no one that this question has already been litigated in Kentucky. The case was Wagner v. Wagner, 821 W.S.2d 819 (Ky. App. 1992). The case does not involve actual tickets, but just the *right to buy* those tickets each year. The Wagners were married for 24 years. During their marriage, they acquired the right to purchase two UK Basketball season tickets.

Husband and Wife agreed to buy the season tickets each year after they divorced and to split the tickets evenly. Husband would use both tickets at half the home games, and Wife would use both tickets at the other half of the home games. (Apparently they were tired of sitting together during the basketball games!)

The parties included this agreement as part of their divorce settlement, and it went smoothly for eleven seasons. The order form and the tickets came in Husband's name. He and Wife divided the schedule each year, and she wrote him a check for one-half of the ticket costs. Even though they were divorced, they were able to make this work for eleven seasons!

When the twelfth season came, Husband decided that the agreement had gone on long enough. He insisted that even though they did not put an expiration date on their agreement, he never intended to honor it for life.

Wife, furious, filed a motion in Fayette Circuit Court. The trial court found that although the parties had an enforceable agreement, the court thought it had gone on long enough. The trial court ordered that Husband could keep all the tickets from that point on, and Wife appealed. On appeal, Husband argued that allowing Wife to buy half the season tickets was really just a form of alimony. (No doubt many Kentuckians would accept that instead of cash alimony!)

The Court of Appeals, though, held that the right to buy those tickets was marital property. Even though some tickets won't be printed for a decade, the right to buy them is a form of property. It can be divided at divorce, and if the parties agree to split it a certain way, that agreement is legally binding.

Apparently, you can divorce your spouse, but you can't divorce your team! **Go Cats!**