

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2024-CA-01308-COA

CATHERINE A. STAGGS

APPELLANT

v.

KENNETH E. STAGGS, JR.

APPELLEE

DATE OF JUDGMENT:	09/03/2024
TRIAL JUDGE:	HON. CHARLES W. WRIGHT JR.
COURT FROM WHICH APPEALED:	LAUDERDALE COUNTY CIRCUIT COURT
ATTORNEYS FOR APPELLANT:	DAVID BRIDGES JONATHAN GOODWIN EDGE GANDARA
ATTORNEYS FOR APPELLEE:	ROBERT H. COMPTON ROBERT D. JONES
NATURE OF THE CASE:	CIVIL - OTHER
DISPOSITION:	APPEAL DISMISSED - 10/20/2026
MOTION FOR REHEARING FILED:	

CONSOLIDATED WITH

NO. 2025-CA-00062-COA

CATHERINE A. STAGGS

APPELLANT

v.

KENNETH E. STAGGS, JR.

APPELLEE

DATE OF JUDGMENT:	02/07/2025
TRIAL JUDGE:	HON. AMANDA T. RAINEY
COURT FROM WHICH APPEALED:	LAUDERDALE COUNTY CHANCERY COURT
ATTORNEY FOR APPELLANT:	DAVID BRIDGES JONATHAN GOODWIN EDGE GANDARA
ATTORNEYS FOR APPELLEE:	ROBERT H. COMPTON ROBERT D. JONES
NATURE OF THE CASE:	CIVIL - DOMESTIC RELATIONS
DISPOSITION:	REVERSED AND REMANDED - 10/20/2026
MOTION FOR REHEARING FILED:	

BEFORE BARNES, C.J., WESTBROOKS AND McDONALD, JJ.

WESTBROOKS, J., FOR THE COURT:

¶1. This case presents the question of whether a foreign divorce judgment that grants a divorce but does not adjudicate subsidiary property rights due to lack of personal jurisdiction over the non-resident spouse must be enrolled as a foreign judgment under Mississippi's Uniform Enforcement of Foreign Judgments Act (UEFJA) before an ex-spouse can seek equitable distribution of the marital property in a Mississippi chancery court. Consistent with our established line of precedent finding chancery court jurisdiction in this circumstance, we hold that a foreign divorce judgment that only grants a divorce is not required to be enrolled under the UEFJA for a chancery court to have subject matter jurisdiction over an action for equitable distribution of the marital property.

FACTS AND PROCEEDINGS BELOW

¶2. In 2017, Catherine Staggs filed a petition for divorce from her husband Kenneth (Ken) Staggs in the Lauderdale County Chancery Court, asserting the fault ground of habitual cruel and inhuman treatment. In 2019, following a trial, the chancery court dismissed Catherine's petition with prejudice, finding that the fault ground was not supported. Catherine then moved to Louisiana and, after establishing residency, was granted an ex parte divorce from Ken under Louisiana law. In light of the absence of jurisdiction over Ken, the Louisiana court did not divide the marital assets. Ken has not challenged the grant of the Louisiana divorce.

¶3. Following the grant of the divorce in Louisiana, Catherine initiated a new suit in the

Lauderdale County Chancery Court under a new cause number seeking equitable distribution of the marital assets. She attached the Louisiana divorce judgment to her petition. However, the chancellor determined that the Louisiana divorce judgment must be first registered as a foreign judgment in circuit court before the chancery court would be authorized to divide the marital assets. The chancellor stayed the proceedings to permit Catherine time to enroll the judgment.

¶4. Following the procedures prescribed by the UEFJA as found in Mississippi Code Annotated section 11-7-305 (Rev. 2019), Catherine filed the judgment in circuit court. Kenneth then filed a special appearance in circuit court, arguing that Catherine was required to serve Ken process pursuant to the requirements of Mississippi Rule of Civil Procedure 4 to effect the registration. Following a hearing, the circuit court agreed. When Catherine was unable to serve Ken process within the requisite 120-day period, the circuit court dismissed Catherine's attempted registration of the judgment.

¶5. Catherine appealed the circuit court's dismissal of her registration of the judgment. While that appeal was pending, the chancery court dismissed Catherine's petition for equitable distribution without prejudice due to lack of prosecution. Catherine now appeals the dismissal of her chancery petition, arguing that she was not required to register the foreign divorce judgment and that the chancellor abused her discretion in dismissing her case for lack of prosecution while the circuit court dispute was pending on appeal. This Court, on its own motion, has consolidated Catherine's pending appeals from circuit and chancery court and addresses them both below.

STANDARD OF REVIEW

¶6. “The question of subject matter jurisdiction is a question of law subject to de novo review.” *Wiggins v. Perry*, 989 So. 2d 419, 428 (¶17) (Miss. Ct. App. 2008). “[Q]uestions of law such as statutory construction are subject to de novo review, and if a chancellor misapprehends the controlling rules of law or acts pursuant to a substantially erroneous view of the law, reversal is proper.” *Chism v. Bright*, 152 So. 3d 318, 322 (¶12) (Miss. 2014). “This Court utilizes an abuse-of-discretion standard of review when faced with a trial court’s dismissal for lack of prosecution pursuant to Rule 41(b) of the Mississippi Rules of Civil Procedure.” *Wilson v. Barnes-Wilson*, 399 So. 3d 954, 957 (¶9) (Miss. Ct. App. 2025) (quoting *Wren v. Zellers*, 390 So. 3d 1011, 1015 (¶8) (Miss. Ct. App. 2024)).

DISCUSSION

I. Whether a foreign divorce judgment must be enrolled prior to equitable distribution in Mississippi chancery courts.

¶7. On appeal from chancery court, Catherine argues that the chancellor erred in determining that she was required to enroll the Louisiana divorce judgment before the chancery court could proceed with equitable distribution of the marital property. Mississippi has long recognized that full faith and credit is owed to foreign divorce judgments. *Weiss v. Weiss*, 579 So. 2d 539, 540-41 (Miss. 1991); *see also Cook v. Cook*, 342 U.S. 126 (1951); *Williams v. North Carolina*, 325 U.S. 226, 229 (1945). “[A] party may not institute a collateral attack upon a foreign divorce decree if the foreign court had personal jurisdiction over the parties.” *Lofton v. Lofton*, 924 So. 2d 596, 601 (¶25) (Miss. Ct. App. 2006). When the foreign court has jurisdiction over both parties and the divorce judgment includes

adjudication of subsidiary property rights, the final adjudication of those rights will be viewed as res judicata. However, “a court granting a divorce cannot perform property division if it lacks personal jurisdiction over one of the parties.” *Pierce v. Pierce*, 132 So. 3d 555, 561 (¶19) (Miss. 2014) (citing *Estin v. Estin*, 334 U.S. 541, 549 (1948)). Mississippi recognizes that “a divorce action involving one resident party and one foreign party may or may not be able to adjudicate personal rights, though it can sever a marriage as long as at least one party is a resident of that state.” *Lofton*, 924 So. 2d at 601 (¶27).

¶8. Multiple Mississippi cases address the circumstance in which another state had jurisdiction to grant a divorce but did not have jurisdiction to adjudicate property rights. In *Pierce*, a husband was granted a divorce in the state of Washington. *Pierce*, 132 So. 3d at 557 (¶1). But “[b]ecause the Washington court lacked personal jurisdiction over [the wife], it did not divide the parties’ assets.” *Id.* Our supreme court held that “because the Washington court lacked personal jurisdiction over [the wife] and had no authority to divide the parties’ assets, its judgment had no res judicata effect on property division, and the [Mississippi] chancery court had subject-matter jurisdiction to equitably divide the parties’ property.” *Id.* at (¶3).

¶9. Similarly, in *Weiss*, a husband was granted a divorce in Louisiana from his wife, who was a resident of Mississippi. *Weiss*, 579 So. 2d at 540. The Louisiana court did not adjudicate the question of alimony. *Id.* Our supreme court determined that the question of alimony was divisible from the foreign judgment of divorce consistent with the principle that “where ‘the case in the foreign court is not decided on its merits, while suit might be barred

from any other court in the state where the judgment was rendered it is not res judicata’ in Mississippi.” *Id.* at 541 (quoting *Lee v. Swain Bldg. Materials Co.*, 529 So. 2d 188, 190 (Miss. 1988)).

¶10. When a foreign court purports to adjudicate property rights but is later determined to not have had jurisdiction over the non-resident spouse, Mississippi courts are not barred by res judicata from determining subsidiary property rights. *See Lofton*, 924 So. 2d at 603-04 (¶¶39-41). In *Lofton*, a wife obtained an order for separate maintenance in Mississippi. *Id.* at 598 (¶4). The husband subsequently obtained a divorce in Florida. *Id.* at (¶8). The Florida divorce order stated that it had jurisdiction over the subject matter and the parties, and further stated that “[t]here are no claims of alimony or spousal support in these proceedings.” *Id.* When the wife sought to have the Mississippi order for maintenance converted to one for alimony, the husband argued that the Florida judgment was res judicata on the claim of alimony. *Id.* at 599 (¶13). However, after examining Florida law related to personal jurisdiction, we determined that Florida had not obtained personal jurisdiction over the wife, and therefore the claim of alimony was properly before the Mississippi chancery court. *Id.* at 604 (¶41).¹

¶11. Here, Catherine argues that none of these precedent cases required registration of the foreign divorce decree under the UEFJA before the chancery court could proceed with equitable division of the marital property. Instead, the party simply presented the chancellor

¹ The question of whether a foreign judgment operates to bar claims under res judicata can require an examination of the foreign jurisdiction’s law. See this Court’s differing views on the interpretation of foreign laws in *Crew v. Tillotson*, 282 So. 3d 776 (Miss. Ct. App. 2019).

with the foreign judgment for full faith and credit recognition. Catherine notes that the UEFJA expressly states that it is not the exclusive mechanism for recognizing a foreign judgment: “The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under Section 11-7-301 through 11-7-309 remains unimpaired.” Miss. Code Ann. § 11-7-309 (Rev. 2019). Further, Catherine argues that the statute repeatedly refers to “creditor” and “debtor,” and that it therefore contemplates application to judgments that create a debtor/creditor relationship.

¶12. During the course of the chancery proceedings, the chancellor initially expressed agreement with Catherine’s position that she did not have to enroll the foreign judgment. However, the chancellor changed course in light of a footnote in *Ellis v. Ellis*, 334 So. 3d 1148 (Miss. 2022). In *Ellis*, a wife unsuccessfully sought a divorce in Mississippi. *Id.* at 1150 (¶5). Her complaint for divorce was dismissed with prejudice. *Id.* The husband then obtained a judgment of divorce in Texas including an adjudication of property rights, such as division of the proceeds from selling the marital home.² *Id.* at (¶6). The wife then filed a petition in the original Mississippi chancery court action that had been dismissed with prejudice, seeking a more favorable division of property. *Id.* at 1150-51 (¶8). The chancellor determined that Texas did not have jurisdiction to divide the marital assets and entered an order dividing the assets more favorably to the wife than the Texas order had done. *Id.* at 1151 (¶¶9-10).

² While the wife did not appear in the Texas trial court proceedings, she appealed the judgment to the Texas Court of Appeals, arguing that Texas “did not have jurisdiction to make any determination as to the distribution of marital property or as to alimony.” *Ellis*, 334 So. 3d at 1151 (¶7). The Texas Court of Appeals found this argument was waived in light of her failure to participate in the trial proceedings. *Id.*; *Ellis v. Ellis*, No. 05-00587-CV, 2020 WL 3496352, at *1 (Tex. App. June 29, 2020).

¶13. On appeal, the Mississippi Supreme Court found that the wife’s use of the original cause of action that had been dismissed with prejudice created a jurisdictional problem: “Where the chancellor denies a divorce, he is without authority to order a division of property.” *Id.* at 1153 (¶18) (quoting *Smith v. Smith*, 656 So. 2d 1143, 1147 (Miss. 1995)). Because the chancellor’s original order was final, “the parties were barred from bringing any further action on the same claim or cause.” *Id.* at 1152 (¶15).

¶14. The husband had argued that the wife’s petition was barred by res judicata in light of the Texas judgment adjudicating property rights. The Court “decline[d] to address the full faith and credit or the res judicata arguments as they are moot.” *Id.* at 1152 (¶13). However, footnote 7 of *Ellis* states:

We make no finding as to the court of competent jurisdiction. We note, as relates to Mississippi, there were arguments regarding the residency of the parties as well as res judicata claims related to the Texas decree. *Also, while Joe asserts a full faith and credit argument, he failed to attempt to enroll the Texas trial court judgment in Mississippi. See N. Dallas Bank & Tr. Co. v. Mabry*, 271 So. 3d 629, 632 (Miss. Ct. App. 2018) (“To be enforced in Mississippi the foreign judgment must be ‘timely and properly enrolled in Mississippi.’” (quoting *Davis v. Davis*, 558 So. 2d 814, 818 (Miss. 1990))). Any attempt by Joe to enforce the Texas judgment in the future should be filed in a court of competent jurisdiction.

Id. at 1153 n.7 (emphasis added).

¶15. Catherine argues that the footnote in *Ellis* contemplates application to judgments that create a debtor/creditor relationship, and not to a foreign divorce judgment that did not adjudicate subsidiary property rights. We agree. The husband in *Ellis* wanted the Texas court’s favorable division of marital property to stand, and he wanted re-adjudication of those subsidiary rights to be barred in Mississippi under res judicata. Both cases cited in the

footnote involve debtor/creditor relationships: *Davis* involved four judgments obtained by a mother against her former spouse for unpaid child support. *Davis*, 558 So. 2d at 815-16. *North Dallas Bank* relates to a default judgment obtained by a bank. *N. Dallas Bank & Tr. Co.*, 271 So. 3d at 632.

¶16. By contrast, the relevant line of precedent cases including *Pierce*, *Weiss*, and *Lofton*—in which the foreign divorce alone was given full faith and credit—all involve a circumstance in which our appellate courts 1) arrived at the jurisdictional or res judicata arguments (unlike in *Ellis*) and 2) determined that res judicata did not preclude the adjudication of property rights by a Mississippi court. We therefore agree with Catherine’s argument that the *Ellis* footnote does not require a party in her position to enroll a foreign divorce judgment that adjudicates only the divorce and does not adjudicate spousal subsidiary rights.

¶17. The chancellor dismissed Catherine’s petition for equitable distribution due to lack of prosecution. Catherine argues that this dismissal was an abuse of discretion given that the delay was due to the chancellor’s ruling that the case could not proceed until the Louisiana divorce decree was enrolled in circuit court, and given that Catherine was actively litigating an appeal from those circuit court proceedings at the time the chancery action was dismissed. She argues that the chancery proceedings were essentially in abeyance pending resolution of the circuit court registration process. Looking to the totality of the circumstances of the delay, we agree that in this particular instance the dismissal of Catherine’s chancery action was an abuse of discretion.

¶18. Because Catherine was not required to enroll the Louisiana divorce judgment before seeking equitable distribution in chancery court, we reverse the judgment of the chancery court and remand for equitable distribution proceedings.

II. Whether enrollment of a foreign judgment requires Rule 4 service of process.

¶19. Also before us is Catherine’s appeal from the circuit court’s dismissal of her attempt to enroll the Louisiana judgment. Following the chancery court’s determination that Catherine was required to enroll the judgment before the chancellor could adjudicate the division of the marital assets, Catherine followed the statutory procedures outlined in Mississippi Code Annotated section 11-7-303 and -305 (Rev. 2019). Section 11-7-303 provides:

A copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this state or any rule promulgated and adopted by the Mississippi Supreme Court may be filed in the office of the clerk of the circuit court of any county in this state. Said clerk shall treat the foreign judgment in the same manner as a judgment of the circuit court of any county in this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a circuit court of any county in this state and may be enforced or satisfied in like manner, subject to the provisions of Section 15-1-45. Any foreign judgment for the purpose described in Section 85-3-52 shall not be a lien on any property in this state, real, personal or mixed, that is owned by a resident of this state, and shall not be enforced or satisfied against any such property.

Section 11-7-305 provides the statutory procedure for effecting the enrollment:

(1) At the time of the filing of the foreign judgment, the judgment creditor or his lawyer shall make and file with the clerk of the circuit court, as the case may be, an affidavit setting forth the name and last known post office address of the judgment debtor and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until twenty (20) days after the date the judgment is filed.

On August 19, 2022, Catherine filed the required affidavit and copy of the Louisiana divorce judgment with the Lauderdale County Circuit Court Clerk. On August 24, 2022, the circuit clerk mailed notice to Kenneth, and Kenneth signed the receipt. However, Kenneth filed a special appearance, arguing that the judgment had not been properly enrolled because he had not been served with Rule 4 service of process.

¶20. Catherine argues that the Mississippi Rules of Civil Procedure do not apply in this instance because the Legislature created its own procedure for the effective registration of a foreign judgment. Mississippi Rule of Civil Procedure 1 provides that it governs procedures in circuit court “where no statute applicable to the proceedings provides otherwise or sets forth procedures inconsistent with these rules.” “The Mississippi Rules of Civil Procedure govern only to the extent that the statutory procedural scheme is silent, or at least not inconsistent.” *Queen v. Queen*, 551 So. 2d 197, 200 (Miss. 1989). This Court noted in *Vogt v. Walker*, 389 So. 3d 336, 341 (¶11) (Miss. Ct. App. 2024), that section 11-7-305 “provides detailed instructions on how to properly notice such a judgment.” Neither the statute nor any relevant caselaw on section 11-7-305 incorporates a Rule 4 service requirement.

¶21. While our review of this novel question leads us to the opinion that Rule 4 service of process is not required to give effect to the enrollment of the judgment under Mississippi law, we recognize that we are not in a position to arrive at a precedential holding on this issue. The underlying issues in the circuit court proceedings and attendant appeal are moot in light of our holding that Catherine was not required to enroll the judgment in the first place. Catherine’s appeal from the Lauderdale County Circuit Court is therefore dismissed as moot.

¶22. APPEAL NO. 2024-CA-01308-COA: APPEAL DISMISSED. APPEAL NO. 2025-CA-00062-COA: REVERSED AND REMANDED.

BARNES, C.J., CARLTON, P.J., McDONALD, LAWRENCE, EMFINGER AND WEDDLE, JJ., CONCUR. WILSON, P.J., CONCURS IN PART AND IN THE RESULT WITHOUT SEPARATE WRITTEN OPINION, McCARTY, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION. LASSITTER ST. PÉ, J., NOT PARTICIPATING.