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# ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2007

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Sondra Omes Hurley

v.

Bradley Glen Hurley

Appeal from Mobile Circuit Court  
(DR-05-502214)

On Application for Rehearing

MOORE, Judge.

In his application for rehearing regarding this court's June 15, 2007, opinion, Bradley Glen Hurley ("the husband") argues that this court should allow the trial court to take

2050802

additional evidence regarding the omissions in the evidence that this court found to be present in this case. The husband cites Courtright v. Courtright, 820 So. 2d 823 (Ala. Civ. App. 2001), in which this court concluded that the trial court had gone beyond the scope of the instructions in Courtright v. Courtright, 757 So. 2d 453 (Ala. Civ. App. 2000) ("Courtright I"), by taking additional evidence on remand. However, in Courtright I, this court stated, "We reverse those portions of the divorce judgment relating to the property division and the award of alimony, and we remand this action for the trial court to fashion an equitable distribution of the marital assets and to reconsider the question of alimony." 757 So. 2d at 457. The opinion in Courtright I did not provide for "further proceedings" as did this court's June 15, 2007, opinion in the present case. Because this court's remand for "further proceedings" allows the trial court to take additional evidence relating to the value of the marital property, we overrule the application for rehearing.

APPLICATION OVERRULED.

Thompson, P.J., and Pittman, Bryan, and Thomas, JJ., concur.