

**IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA**

**SHAREEN KAE LUCAS,**  
Petitioner,

Case No. 6881

vs.

**ORDER OF DISMISSAL**

**JONATHAN GRANT LUCAS,**  
Respondent.

**DATE OF HEARING:** May 17, 2000.

**APPEARANCES:**

For petitioner: Rodney J. Palmer with petitioner.

For respondent: no appearance.

**SUBJECT OF HEARING:** Final hearing.

**FINDINGS:**

The matter came on for final hearing. During the petitioner's testimony, a question arose regarding jurisdiction. It was determined that the petitioner's place of residence is in rural Rock County, although she has a Long Pine address which would generally indicate a Brown County address. The respondent has not lived in Brown County. As the Supreme Court held in *Small v. Small*, 229 Neb. 344, 427 N.W.2d 42 (1988), a district court cannot acquire jurisdiction over dissolution of marriage proceedings unless one of the parties is a resident of the county in which the court is located at the time the original petition is filed. This is a matter of subject matter jurisdiction. As is evident from the Supreme Court's disposition of the case in *Small*, the proceeding is void and cannot be transferred. Unlike a mere issue of venue of a civil action, the residency requirement in a dissolution action is jurisdictional.

**ORDER:** The petition is dismissed without prejudice at petitioner's cost for lack of subject matter jurisdiction.

Signed at Ainsworth, Nebraska, on May 17, 2000.  
DEEMED ENTERED upon the date of filing by the court clerk.

If checked, the Court Clerk shall:

**BY THE COURT:**

- Mail a copy of this order to all counsel of record and to any pro se parties.

Done on \_\_\_\_\_, 20\_\_ by \_\_\_\_.

**9** (Trial docket entry dictated in open court.)

Mailed to:

\_\_\_\_\_  
William B. Cassel  
District Judge