**THIS DIAMOND RING- DOES IT MEAN WHAT IT DID BEFORE?**

**BY: WILLIAM G. MORRIS, ESQ.**

Marilyn Monroe declared “diamonds are a girl’s best friend” in the 1953 film Gentlemen Prefer Blondes. The quote is often repeated in movies, plays and videos, so that even those unfamiliar with Marilyn Monroe have heard the line.

A diamond ring is now the most popular engagement ring. It was not always so. In fact, engagement rings are a relatively recent practice.

The practice of giving an engagement ring appears to have started in 1477 when Austria’s Archduke Maximilian proposed to Mary of Burgundy with a diamond ring. It was centuries before the diamond became the most common engagement ring due largely to cost.

De Beers is credited with making the diamond ring the standard for engagements with its 1947 marketing promotion “A Diamond is Forever.” The marketing program linked diamonds to everlasting love and lifelong commitment. DeBeers spread the message that to prove true love and lifetime commitment, a man had to spend two months’ salary on an engagement ring. The campaign was a roaring success and changed the concept of engagement rings forever.

Diamonds are expensive and when a couple breaks up who gets the ring can end up in court. Who does get the ring? It depends.

Who gets the engagement ring was the only issue on appeal in the case of *Randall v. Randall*. The Randalls took almost two years to get to trial. During that time, they were able to resolve most of their differences and had divided all of their personal property with exception of the engagement ring. The ring was a family heirloom of the husband’s family.

After hearing testimony, the trial judge awarded the ring to the husband based largely on its family heirloom status. The judge also ordered the husband not sell the ring but could keep it to give to his children as he saw fit. The former wife wanted the ring and appealed.

The appellate court ruled that the former wife got the ring. It explained an engagement ring is generally non-marital property and not subject to equitable distribution. An engagement ring is given “in consideration of agreement to marry” which the wife fulfilled once she married the former husband. That made the ring the wife’s premarital property and not subject to equitable distribution in divorce.

*Moody v. Newton* not only argued about the engagement ring, but also the wedding ring and a third ring of the former wife’s three ring set. The trial judge ruled all three rings were marital property and included as part of equitable distribution. The wife argued they were hers and non-marital. Appeal was filed.

The appellate court in its Solomon -like wisdom divided the rings. The court explained that engagement rings were recognized as non-marital belonging to the recipient. The court went on to explain that wedding rings were the same. But, that third ring, even though part of a set, was a marital asset and subject to equitable distribution as marital property.

Divorce is not the only time a couple splits up. They could split up before marrying. What happens to the engagement ring then? Again, it depends.

In 1975, a Florida court addressed that issue in *Gill v. Shively*. The future wife told the future husband she changed her mind and would not marry him because she was just not ready. The future husband demanded the ring and the future wife refused. Off to court they went. The trial judge dismissed the complaint on the ground that the ring was a gift and belonged to the recipient.

The appellate court disagreed. It explained the ring was a provisional gift on condition that the recipient marry the giver. When the recipient failed to meet the condition, the contract was not fulfilled and the ring was to be returned. Courts reach the same decision when marriage is mutually terminated. But when the person who gave the ring calls off the wedding, the recipient gets to keep it.

What happens when the recipient of the ring dies before the wedding? There is no clear appellate case in Florida, but it would appear if the ring is requested by the giver, it should go back. Courts in states with laws similar to Florida reach that conclusion using the rationale that an engagement ring is a conditional gift and when the condition is not fulfilled the ring goes back to the giver. But, there are some Florida attorneys who feel the ring would stay with the decedent’s estate because the decedent did not intentionally back out of the wedding. We won’t know for sure until the argument is decided by a Florida court.

Florida courts have confirmed that diamond rings are only forever under certain circumstances. What is forever is the potential for litigating right to the ring when a relationship goes awry.

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