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**IN THE
COURT OF APPEALS OF INDIANA**

JAMES LOOMIS,)

Appellant-Respondent,)

vs.)

No. 45A03-0607-CV-300

BARBARA LOOMIS,)

Appellee-Petitioner.)

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Maria Luz Corona, Magistrate
The Honorable Thomas W. Webber, Judge
Cause No. 45D03-0202-DR-659-MLC

July 26, 2007

MEMORANDUM DECISION ON REHEARING-NOT FOR PUBLICATION

BAKER, Chief Judge

We grant rehearing for the limited purpose of addressing appellant-respondent James Loomis's argument regarding the vehicle purchased by the parties' son, A.L. The undisputed evidence in the record established that A.L. paid \$3,000 for the vehicle with his own money. In our decision on James's appeal, we held that the trial court erroneously required James to reimburse appellee-petitioner Barbara Loomis for one-half of the vehicle's cost. Loomis v. Loomis, No. 45A03-0607-CV-300, slip op. p. 13 (Ind. Ct. App. Apr. 24, 2007). We directed the trial court to order James to pay A.L. \$1,500, or one-half of the cost of the vehicle.

James points out in his petition for rehearing that, in fact, there was never a petition before the trial court requesting that A.L. be reimbursed for the cost of the car. Rather, Barbara filed a petition requesting that she be reimbursed by James for one-half of the vehicle's value. Inasmuch as Barbara was not entitled to be reimbursed for a vehicle paid for by A.L., the trial court should have denied that petition. Because there was no request that A.L. be reimbursed for the vehicle before us, we should not have directed the trial court to order James to pay \$1,500 for one-half of the vehicle's cost, and we hereby vacate that portion of our original decision. In all other respects—including the instruction to determine whether the cost of A.L.'s vehicle and related expenses are already included in James's child support payment—we deny James's petition for rehearing and leave our original decision unchanged.

FRIEDLANDER, J., and CRONE, J., concur.