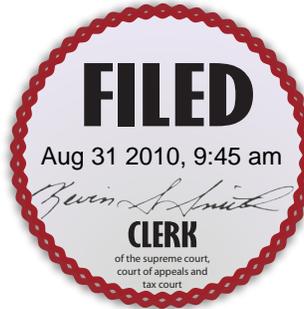


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE:

LORI A. (DEARDORFF) TILDEN
Warsaw, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

IN RE THE MARRIAGE OF:)
LORI A. DEARDORFF (TILDEN),)
)
Appellant-Petitioner,)
)
and) No. 43A03-0912-CV-560
)
KEVIN L. DEARDORFF,)
)
Appellee-Respondent.)

APPEAL FROM THE KOSCIUSKO CIRCUIT COURT
The Honorable Rex L. Reed, Judge
Cause No. 43C01-0201-DR-35

August 31, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Lori A. (Deardorff) Tilden appeals the denial of her motion to correct error in an order that reduced the child support obligation of her ex-husband, Kevin L. Deardorff. As we are unable to address any of Lori's allegations of error, we affirm.

FACTS AND PROCEDURAL HISTORY

Kevin filed a motion to modify support and after a hearing the trial court entered an order that decreased Kevin's support obligation. Lori filed a motion to correct error and a hearing was scheduled. The court met with counsel in chambers during the time scheduled for a hearing, then denied Lori's motion to correct error.

DISCUSSION AND DECISION

Our Appellate Rules require an argument section that contains "the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on, in accordance with Rule 22." Ind. App. R. 46(A)(8)(a). When a party fails to comply with that rule, the argument is waived for appeal. *Nealy v. Am. Family Mut. Ins. Co.*, 910 N.E.2d 842, 849 (Ind. Ct. App. 2009), *trans. denied sub nom. Nealy v. Quinn*, 919 N.E.2d 559 (Ind. 2009). Where arguments contain only conclusory assertions, without cogent reasoning supported by citation to facts in the record and relevant legal precedent, we cannot address those arguments without "abdicat[ing] our role as an impartial tribunal and becom[ing] an advocate for one of the parties." *Evansville Outdoor Advertising, Inc. v. Princeton (City) Plan Com'n*, 849 N.E.2d 630, 636 (Ind. Ct. App. 2006), *trans. denied*.

Lori's first argument heading is: "The trial court erred in the calculation by not

including capital gains income.” (Appellant’s Br. at 5.) She does not cite evidence in the record demonstrating there were such capital gains or explain what capital gains were erroneously excluded. Neither has she cited any case law to support an argument the trial court should have included the capital gains at issue in the computation of income for child support purposes. We are therefore unable to address this allegation of error without developing Lori’s arguments for her and this allegation of error is waived. *See, e.g., Evansville Outdoor Advertising*, 849 N.E.2d at 636 (“The conclusory arguments in EOA’s appellate and reply briefs are insufficient to support adequate appellate review and are waived.”).

Lori’s second allegation is: “The trial court erred in the retroactivity of the child support order.” (Appellant’s Br. at 6.) She notes our Indiana Supreme Court recently affirmed that trial courts have discretion to determine when a modification becomes effective, quotes three sentences from that decision, and then claims: “In this case, equity would not be served if the Court makes any support modification retroactive.” (*Id.*) Again, Lori has not explained what the relevant facts are, where in the record we can find evidence to support those facts, how the trial court abused its discretion, why “equity would not be served,” (*id.*), and what relevance equity has to our determination whether the trial court abused its discretion. Thus, she has waived her allegation of error regarding the retroactivity of the child support order. *See, e.g., Evansville Outdoor Advertising*, 849 N.E.2d at 636.

Lori’s third issue statement is: “The trial court failed to rule on motion to correct errors ‘Deemed Denied’ – T.R. 53.3.” (Appellant’s Br. at 7.) In support, she offers only a

two-paragraph quote from a law review article regarding Trial Rule 53.3. She did not explain the application of that rule to whatever facts might be relevant to our consideration of the trial court's jurisdiction to enter its order when it did. Neither has Lori explained whether, or how, the relief she requests is impacted by the validity of the order denying her motion to correct error. Because Lori has not developed this argument, it is waived. *See, e.g., Evansville Outdoor Advertising*, 849 N.E.2d at 636.

Finally, in a section entitled "Conclusion and Additional Considerations," (Appellant's Br. at 8), Lori requests a change of venue for any hearing that results from our remand. As Lori has not demonstrated trial court error requiring reversal, we need not address her request for a change of venue.¹ She also requests interest on any support payments she might receive based on erroneously excluded capital gains and bonus income; however we need not consider the propriety of interest payments because Lori did not demonstrate error in the court's failure to include those amounts in Kevin's child-support income.

Affirmed.

BAILEY, J., and BARNES, J., concur.

¹ Lori's request for change of venue is premised on alleged partiality of the trial court judge because Kevin and Judge Reed are members of the Rotary in Warsaw and both have been the president thereof. Lori has not requested reversal based on that alleged partiality, and she notes "Judge Reed disclosed" partiality before the hearing on Kevin's motion to modify. (Appellant's Br. at 8.)