

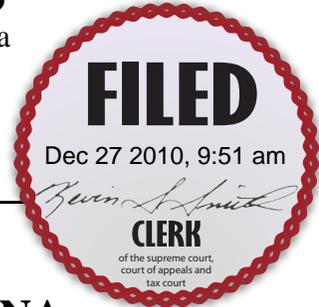
**Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.**

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**IN THE  
COURT OF APPEALS OF INDIANA**

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MICHAEL J. SKOCZYLAS,  
Appellant/Respondent,

vs.

PEGGY C. SKOCZYLAS,  
Appellee/Petitioner.

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No. 71A03-1005-DR-317

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APPEAL FROM THE ST. JOSEPH CIRCUIT COURT  
The Honorable David P. Matsey, Senior Judge  
Cause No. 71C01-0606-DR-243

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**December 27, 2010**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BRADFORD, Judge**

Appellant/Respondent Michael Skoczylas (“Husband”) appeals from the trial court’s order following the dissolution of his marriage to Appellee/Petitioner Peggy C. Skoczylas (“Wife”). Husband contends that the trial court abused its discretion in improperly valuing the United State Postal Service (“USPS”) pensions owned by both parties and in allocating certain post-secondary education loans incurred by their children. We affirm in part, reverse in part, and remand with instructions.

### **FACTS AND PROCEDURAL HISTORY**

Husband and Wife were married on March 21, 1981, and have two children, Ryan, who is emancipated, and Lauren. In June of 2006, Wife filed her dissolution petition. Hearings on Wife’s petition were held on December 10, 2009, and January 12, 2010. At the time of the first hearing, Ryan was twenty-six, working part-time, and living with Husband. After high school, Ryan had attended Purdue University for approximately three semesters and then Holy Cross College in South Bend for one semester. Ryan’s attendance at Purdue and Holy Cross resulted in education debts of \$19,789.99 and \$7500.00 respectively. Husband is personally responsible for the Purdue obligation and secondarily responsible for the Holy Cross obligation.

For her part, Lauren was twenty, attending college at Indiana University-South Bend (“IUSB”), working part-time, and living in an apartment with Mother. Lauren had received a student loan to cover her educational expenses for the Fall 2009 and Spring 2010 semesters for \$6500.00. Like Ryan, Lauren had also previously attended Purdue and Holy Cross. Lauren received a student loan for \$5884.00 to attend Purdue for which Husband was responsible. Mother was paying on a loan Lauren received to attend Holy

Cross, the payments for which will ultimately total approximately \$6000.00. Lauren also received another deferred loan for \$1795.00 at some point.

On November 13, 2009, Wife submitted to the trial court a summary of her contentions as to the value of the marital assets. Among the assets listed in the summary were Husband's USPS pension valued at \$533,823.00 and Wife's USPS pension valued at \$294,244.00. Wife, in order to accomplish an equal distribution of marital assets, proposed a payment to her of \$203,570.16 from Husband, and that the two of them share in Lauren's college expenses. At the December 10, 2009, hearing, certified public accountant Richard Cullar testified that the present value of Husband's USPS pension was \$533,823.00 and that the present value of Wife's was \$294,244.00.

On April 16, 2010, the trial court issued its dissolution order. The trial court ordered the Wife should be responsible for Lauren's student loans, Husband should be responsible for Ryan's student loans, and "[i]n order to equally divide the assets and debts Husband shall pay over to Wife the sum of \$200,000[.]" Appellant's App. p. 9. Husband now appeals.

## **DISCUSSION AND DECISION**

### **Whether the Trial Court Abused its Discretion in Disposing of the Marital Estate**

Where, as apparently happened here, the trial court *sua sponte* enters specific findings of fact and conclusions, we review its findings and conclusions to determine whether the evidence supports the findings, and whether the findings support the judgment. *Fowler v. Perry*, 830 N.E.2d 97, 102 (Ind. Ct. App. 2005). We will set aside the trial court's findings and conclusions only if they are clearly erroneous. *Id.* A

judgment is clearly erroneous when a review of the record leaves us with a firm conviction that a mistake was made. *Id.* We neither reweigh the evidence nor assess the witnesses' credibility, and consider only the evidence most favorable to the judgment. *Id.* Further, "findings made *sua sponte* control only ... the issues they cover and a general judgment will control as to the issues upon which there are no findings. A general judgment entered with findings will be affirmed if it can be sustained on any legal theory supported by the evidence." *Id.*

"Subject to the statutory presumption that an equal distribution of marital property is just and reasonable, the disposition of marital assets is committed to the sound discretion of the trial court." *Augspurger v. Hudson*, 802 N.E.2d 503, 512 (Ind. Ct. App. 2004).

An abuse of discretion occurs if the trial court's decision is clearly against the logic and effect of the facts and circumstances, or the reasonable, probable, and actual deductions to be drawn therefrom. An abuse of discretion also occurs when the trial court misinterprets the law or disregards evidence of factors listed in the controlling statute. The presumption that a dissolution court correctly followed the law and made all the proper considerations in crafting its property distribution is one of the strongest presumptions applicable to our consideration on appeal. Thus, we will reverse a property distribution only if there is no rational basis for the award and, although the circumstances may have justified a different property distribution, we may not substitute our judgment for that of the dissolution court.

*Id.* (citations, quotation marks, and brackets omitted).

### **A. USPS Pensions**

Husband contends that the trial court abused its discretion in adopting incorrect values for his and Wife's USPS pensions.<sup>1</sup> Culler specifically testified that Husband's and Wife's pensions were worth \$533,823.00 and \$294,244.00, respectively. Although Husband points to testimony elicited at the hearing tending to show that Culler's valuation method may have been flawed, the trial court was under no obligation to credit any of this and apparently did not. Husband's argument in this regard is merely an invitation to reweigh the evidence, one which we decline. *See Fowler*, 830 N.E.2d at 102.

### **B. Education Costs**

Husband also contends that the trial court abused its discretion in ordering that he be responsible for Ryan's student loans accrued to date and that Wife be responsible for Lauren's.<sup>2</sup> Husband argues that such a disposition is an abuse of discretion because Ryan's obligations are greater than Lauren's. We agree. Quite simply, there is nothing in the record or the trial court's order that would seem to justify placing a greater burden on Husband in this regard, especially in light of the trial court's explicitly stated intention to equally divide the marital estate. As such, we remand with instructions to order

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<sup>1</sup> While the trial court's findings do not include valuations for the pensions, both parties agree that the only reasonable inference to be drawn from the circumstances of the case is that it essentially adopted Wife's summary of contentions as to the value of the marital assets. Among the assets listed in the summary were Husband's USPS pension valued at \$533,823.00 and Wife's USPS pension valued at \$294,244.00. We agree that we may infer that the trial court essentially adopted Wife's summary of contentions, because its order of a \$200,000 payment from Husband to Wife tracks very closely Wife's proposed payment of \$203,570.16.

<sup>2</sup> The trial court's order specified that Husband and Wife would equally share Lauren's remaining undergraduate college expenses while also requiring Lauren to pursue student loans, scholarships and grants.

Husband and Wife to equally share financial responsibility for the extant education-related liabilities of each child.<sup>3</sup>

The judgment of the trial court is affirmed in part, reversed in part, and remanded with instructions.

KIRSCH, J., and CRONE, J., concur.

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<sup>3</sup> We would observe that Husband's estimate that Lauren had accrued only approximately \$5800.00 in education debt appears not to be supported by the record. The evidence indicates that Ryan had education-related obligations totaling \$27,289.99 and that, as of January 2010, Lauren had obligations totaling approximately \$20,179.00.