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ATTORNEY FOR APPELLANT:

JAMES H. HOLDER
Bainbridge, Indiana

ATTORNEYS FOR APPELLEE:

ERIC D. SOMHEIL
KATHERINE S. BROWN
Brown & Somheil
Brazil, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

TERRY CUSTIS,

Appellant-Respondent,

vs.

DONDRA CUSTIS,

Appellee-Petitioner.

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No. 67A05-0612-CV-727

APPEAL FROM THE PUTNAM CIRCUIT COURT
The Honorable Matthew Headley, Judge
Cause No. 67C01-0510-DR-307

August 2, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

Terry Custis appeals the trial court's dissolution of his marriage to Dondra Custis. Terry raises one issue, which we revise and restate as whether the trial court abused its discretion in the valuation and division of marital property. We affirm.

The relevant facts follow. Terry and Dondra were married on March 28, 1992, and they had no children. Terry had a lawn care business, and Dondra did clerical work for the business. Terry and Dondra owned "about an acre and a quarter" of land with a house and a barn, both of which Terry used for the business. Transcript at 26. On October 5, 2005, Terry and Dondra separated. On February 23, 2006, Dondra petitioned for dissolution of marriage. Terry and Dondra subsequently attempted to sell the property, listing it at \$180,000, but they received no offers.

On September 12, 2006, the trial court conducted a final hearing. At the hearing, Terry and Dondra disputed the value of the property. Dondra contended that it was worth \$170,000, but Terry contended that it was worth \$130,000. They also disputed the value of the accounts receivable from the lawn care business, which Dondra valued at \$30,000, but which Terry valued at \$15,808.

The trial court found:

That parties own joint real estate. The real estate consists of the marital home and a business which the parties operated out of the marital residence under the name of Custis Lawn Services. The real estate was listed for sale during the pendency of this matter. No offers were received at the listing price of one hundred eighty thousand dollars (\$180,000.00). Petitioner/Wife wanted to lower the listing price to one hundred seventy two thousand dollars (\$172,000.00), however Respondent/Husband did not agree. Petitioner/Wife believes the property is worth one hundred seventy dollars (\$170,000.00). Respondent/Husband testified he believes the

property is worth one hundred thirty thousand dollars (\$130,000.00). Respondent/Husband testified he wants the marital residence because he cannot operate his business anywhere else. Given the weight of the evidence, specifically that the property was listed at one hundred eighty thousand dollars (\$180,000.00) the Court concludes that the agent would value the property at close to what a seller/buyer would agree upon. Therefore, the Court values the property at one hundred seventy thousand dollars (\$170,000).

Appellant's Appendix at 7.

The trial court also found that “the value of the account receivable [sic], taking into account bad debt and income taxes due on that income, [is] to be seventeen thousand six hundred twenty five dollars (\$17,625.00), which shall be the sole property of Respondent/Husband.” Id. at 9.

The trial court here entered findings of fact and conclusions thereon sua sponte. Sua sponte findings control only as to the issues they cover, and a general judgment will control as to the issues upon which there are no findings. Yanoff v. Muncy, 688 N.E.2d 1259, 1262 (Ind. 1997). We will affirm a general judgment entered with findings if it can be sustained on any legal theory supported by the evidence. Id. When a court has made special findings of fact, we review sufficiency of the evidence using a two-step process. Id. First, we must determine whether the evidence supports the trial court's findings of fact. Id. Second, we must determine whether those findings of fact support the trial court's conclusions of law. Id.

Findings will only be set aside if they are clearly erroneous. Id. “Findings are clearly erroneous only when the record contains no facts to support them either directly

or by inference.” Id. A judgment is clearly erroneous if it applies the wrong legal standard to properly found facts. Id. In order to determine that a finding or conclusion is clearly erroneous, an appellate court’s review of the evidence must leave it with the firm conviction that a mistake has been made. Id.

The sole issue on appeal is whether the trial court abused its discretion in its valuation of the property and the accounts receivable. The division of marital assets lies within the sound discretion of the trial court, and we will reverse only for an abuse of discretion. Sanjari v. Sanjari, 755 N.E.2d 1186, 1191 (Ind. Ct. App. 2001). A trial court has broad discretion in ascertaining the value of property in a dissolution action and has not abused its discretion if its decision is supported by sufficient evidence and reasonable inferences therefrom. Id.

Terry argues that the trial court’s valuation of the property at \$170,000 was “completely speculative.” Appellant’s Brief at 8. When Terry and Dondra attempted to sell the property, they listed it at \$180,000. After speaking with a realtor, Dondra attempted to lower the price to \$172,000, but Terry did not agree. Dondra later testified that she thought the value of the property was \$170,000, but Terry contended that its value was \$130,000. The trial court’s valuation of the property at \$170,000 was within the range of values supportable by the evidence, and we cannot say that the trial court abused its discretion in determining that Dondra’s valuation was more accurate than Terry’s. See Sanjari, 755 N.E.2d at 1191-1192 (holding that the trial court did not abuse

its discretion where its valuation of marital property was within the range of values supportable by the evidence).

Terry also argues that the trial court improperly valued the accounts receivable because there was insufficient evidence to determine its “true value” and because “it can not be ascertained from the trial court order what method or percentages were used to account for bad debt and taxes.” Appellant’s Brief at 4-6. Dondra testified that the accounts receivable was worth \$30,000, but Terry testified that the accounts receivable was worth \$15,808. He arrived at this figure by subtracting bad debts and expenses from an original value of \$27,000. The trial court’s valuation of \$17,625, which took bad debt and income taxes into account, was within the range of values supportable by the evidence, and we cannot say that the trial court abused its discretion. See Sanjari, 755 N.E.2d at 1191-1192 (holding that the trial court did not abuse its discretion where its valuation of marital property was within the range of values supportable by the evidence).

For the foregoing reasons, we affirm the trial court’s valuation and division of marital property.

Affirmed.

MAY, J. and BAILEY, J. concur