

Circuit Court for Montgomery County
Case No. 135569FL

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1634

September Term, 2024

FATU K. KARGBO

v.

ALFRED BANGURA

Friedman,
Shaw,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: April 21, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to MD. RULE 1-104(a)(2)(B).

The Circuit Court for Montgomery County adopted a magistrate judge’s recommendation requiring appellee Alfred Bangura (“Father”) to pay \$822 in monthly child support based on his \$4,833 monthly income. Finding clear error in the circuit court’s adoption of the magistrate judge’s income calculation, we reverse and remand.

BACKGROUND

Appellant Fatu Kargbo (“Mother”) and Father, who never married, had one child together in 2015 (“Child”). On September 13, 2022, the parties entered a consent order where Father agreed to two overnight visits every other weekend and to pay \$662 in monthly child support. On January 18, 2024, Mother sought a child support modification, alleging that Father had failed to exercise his visitation and had underreported his income.

A magistrate judge heard arguments on Mother’s petition on May 20 to 21, 2024. The magistrate judge found that Father failed to exercise his visitation, which resulted in additional expenses for Mother. The magistrate judge determined that Mother’s additional expenses constituted a material change in circumstances, which warranted modification of the child support order. The magistrate judge also found that both parties’ incomes had changed: Mother’s monthly income had decreased to \$1,217, while Father’s had increased to \$4,833.

The primary issue at the hearing was determining Father’s income. Father claimed his monthly income was \$4,333 and provided his W-2 and pay stubs from his employer, Gridiron IT Solutions. Mother argued that Father had additional, unreported income and introduced his bank statements, showing bi-weekly deposits between \$4,094 and \$4,425 from “the Brite Group Payroll.” The statements also showed that Father immediately

transferred part of each deposit into his savings account, held solely in his name, and to his personal Zelle account. Father testified that these Brite Group deposits were his live-in girlfriend's paychecks, not his income.

Despite the unusual practice of depositing another person's pay into Father's account, the magistrate judge found Father credible in its oral recommendation. The magistrate judge determined that the transfers to Father's Zelle account, which it found ranged from \$200 to \$1,000, constituted income for child support purposes. Based on this range, the magistrate judge estimated that Father had an additional \$500 in monthly income. With \$4,333 monthly income from Gridiron IT Solutions and \$500 in monthly Zelle transfers, the magistrate judge found Father's monthly income was \$4,833 and recommended increasing Father's monthly child support obligation to \$822.

Mother, maintaining that the Brite Group deposits were Father's income, excepted to the magistrate judge's findings.¹ The circuit court denied her exceptions and entered a written order adopting the magistrate judge's recommendations. Mother then moved for reconsideration of the denial of her exceptions, and the circuit court held a hearing on her motion on October 4, 2024.²

¹ Mother also moved for a new trial or to alter or amend the circuit court's order, arguing that the magistrate judge did not properly consider her evidence that the Brite Group deposits into Father's bank account reflected income from an undisclosed job. She claimed the burden of proof should have been on Father to show the deposits were from his girlfriend's pay checks, and that the magistrate judge improperly accepted his verbal assurances. The circuit court denied Mother's motion. Mother does not appeal from this denial, so we do not address it in this Opinion.

² This simplifies what led to Mother's reconsideration hearing. On June 18, 2024, the circuit court's order incorrectly stated that Mother's *request for a hearing* on her

At the reconsideration hearing, the circuit court found that, although Mother’s concerns about the source of the Brite Group deposits might be well-founded, she presented no new evidence showing that these deposits were Father’s income. Concluding that the magistrate judge’s recommendations were not clearly erroneous, the circuit court upheld the order increasing Father’s child support. Mother noted her appeal the same day.

DISCUSSION

Our courts engage in a three-step process to consider modifications to child support. First, the court must find that there has been a material change of circumstances since the entry of the last support order. MD. CODE, FAMILY LAW (“FL”) § 12-104(a); *Ley v. Forman*, 144 Md. App. 658, 665 (2002). Second, once the court finds there has been a material change of circumstances, it must determine the parties’ income. FL § 12-201(i). Finally, the court calculates each parties’ support obligation, based on their income and custody arrangement, under the statutory child support schedule. FL § 12-204(e). In our review of child support modifications, we “will not set aside the judgment of the [circuit court] on the evidence unless clearly erroneous.” MD. R. 8-131(c). Under this standard, “[i]f any competent material evidence exists in support of the trial court’s factual findings,

exceptions was denied. That order did not deny the exceptions themselves. The issue was addressed during the October 4, 2024, reconsideration and exceptions hearing, when the court granted Mother’s request to be heard on the reconsideration of the denial of her exceptions. This hiccup in the procedural history does not affect our analysis.

those findings cannot be held to be clearly erroneous.” *Webb v. Nowak*, 433 Md. 666, 678 (2013).

Mother’s appeal focuses on the second step of this three-step process: determining the parties’ income. Specifically, she alleges that Father has income greater than the \$4,833 the magistrate judge attributed to him, and we agree.

FL § 12-201(b)(4) permits the court, depending on the circumstances of the case, to consider gifts as income for child support purposes. What constitutes a gift and its impact on a party’s income is left to the discretion of the magistrate judge. *See Frankel v. Frankel*, 165 Md. App. 553, 588-89 (2005). Here, the magistrate judge treated only the Zelle transfers immediately following the Brite Group deposits—estimated at \$500 a month—as gifts constituting income to Father under FL § 12-201(b)(4). But Father’s bank statements reveal a broader pattern of transfers between the Brite Group deposits, Father’s savings account, and Father’s Zelle account, demonstrating that Father’s income was higher than the magistrate judge found.

We must first explain what the bank statements show. Mother introduced Father’s Capital One statements for his checking account and linked savings account, covering December 2023 through April 2024. During this period, Father’s checking account received ten deposits from the Brite Group, each ranging from \$4,094 to \$4,425. Aside from two tax refunds, these Brite Group deposits were the only external funds that entered the checking account.³ These bank statements show a consistent pattern: on the same day

³ Under FL § 12-201(b)(3), tax refunds are not income for child support. We therefore omit the tax refunds and any transfers of those funds in our analysis.

each Brite Group deposit was made, Father immediately transferred between \$3,500 and \$4,000 from checking into his savings account.⁴ Notably, these transfers were the only deposits made into the savings account. In addition, after most Brite Group deposits, Father transferred between \$250 and \$2,500 from checking into his personal Zelle account. But these were not the only transfers. Every few days, Father transferred \$500 to \$1,000 from savings back into checking. Frequently, after those transfers, he moved all or part of those funds into his Zelle account. In total, the bank statements show at least 48 Zelle transfers during this period—24 that followed the savings-to-checking transfers and another 24 that occurred sporadically from checking to Zelle.

In sum, all money in the checking account (other than the tax refunds) originated from the Brite Group, and all money in the savings account originated from the checking account. The savings account, therefore, functioned not as an independent source of funds, but as a holding account through which the Brite Group income was repeatedly cycled before being transferred to Father’s Zelle. Thus, the magistrate judge’s conclusion that Father had only \$500 as monthly income substantially underestimates the total amount constituting income to him.

Moreover, while Father testified that the Brite Group deposits were his girlfriend’s, there is no testimony regarding the ownership or intended use of the savings account. Regardless of how the savings account is characterized, the flow of funds reflects income

⁴ On just one occasion, instead of immediately transferring \$3,500 to his savings account, Father instead transferred \$3,500 directly to his Zelle. This does not affect our analysis because, as we explain, his savings account was only ever a brief stop for these deposits on their way to his Zelle account.

attributable to Father beyond what the magistrate considered. If the savings account is considered solely his, then \$3,500 to \$4,000 of each Brite Group deposit was income to Father. If the savings account belonged to his girlfriend, he still diverted her money at least 48 times through Zelle transfers, far more than the ten times that the magistrate judge credited. In either scenario, the bank records demonstrate that Father’s income from the Brite Group deposits was far greater than what the magistrate found. For this reason, we hold the circuit court clearly erred in adopting the magistrate judge’s calculation of Father’s income. We reverse and remand to recalculate Father’s income, consistent with this Opinion.⁵

**ORDER OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY REVERSED
AND REMANDED; COSTS TO BE PAID
BY APPELLEE.**

⁵ On remand, the parties may introduce any relevant evidence as to Father’s income that complies with the discovery rules. Thus, Mother may subpoena the Brite Group or any financial institution holding Father’s accounts or call Father’s girlfriend as a witness. The record shows Mother previously had trouble issuing subpoenas. To avoid this on remand, if Mother seeks records from the Brite Group or any financial institution, she must *certify* that she provided Father a copy of the subpoena. After receiving the subpoena from the circuit court, Mother must make a copy of it and return to the court. The court will stamp the copies. Then, Mother may arrange service of the subpoenas to Father. Once Father has been served, Mother must complete the “Return of Service” section of the subpoena form and return it to the circuit court for certification of receipt.