

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1729

September Term, 2016

BRENT STOCK

v.

DEANNA L. REINARD

Friedman,
Eyler, Deborah S.,*
Battaglia, Lynne A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Battaglia, J.

Filed: October 26, 2018

* Eyler, Deborah S., J., now retired, participated in the hearing of this case while an active member of this Court; after being recalled pursuant to the Constitution, Article IV, Section 3A, she also participated in the decision and the preparation of this opinion.

**This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Brent Stock, appellant, challenges three orders, issued by Judge Sidney S. Campen, Jr., sitting in the Circuit Court for Caroline County, granting Mr. Stock’s former wife, Deanna L. Reinard, appellee, an absolute divorce, a monetary award, and child support. He raises two questions for our review:

1. Whether the trial court was clearly erroneous in granting Appellee a monetary award in the sum of \$233,661.00.
2. Whether the trial court was clearly erroneous in determining the amount of child support to be paid by Appellant to Appellee for the support of their three minor children.

We find no error and affirm.

BACKGROUND

Mr. Stock and Ms. Reinard married on June 26, 1999 and had three children: J.L., born in 2001; A.L., born in 2004; and B.L., born in 2005. In July of 2015, Ms. Reinard filed a complaint, in the Circuit Court for Caroline County, seeking an absolute divorce, custody of the children, child support, use and possession of the family home, a monetary award, and other relief.¹ The parties eventually reached an agreement, prior to trial, regarding custody and visitation. The remaining contested issues, including the disposition of the parties’ property as well as child support, were the subject of a two-day bench trial before Judge Campen in July of 2016.

¹ Among other things, Ms. Reinard asked the court to order that Mr. Stock pay the mortgage, utilities bills, and other household expenses; that “the furniture and furnishing” in the marital home “be declared family use personal property” of Ms. Reinard; that title in the marital home be vested in her; that Mr. Stock be enjoined from disposing of or otherwise encumbering “any of the property . . . alleged to be marital property or property acquired during separation”; that she be awarded attorney’s fees; and that she be granted permission to resume the use of her maiden name.

At the time of the trial, Ms. Reinard was employed as a Professor of Teacher Education at Chesapeake College and had previously been employed, during the parties' marriage, at Wesley College in Dover, Delaware as well as with the Talbot County Public School System. Mr. Stock was self-employed and, during their marriage, had run two small businesses, Internet Connection, Inc., and Vape Nook, a retail store that sold electronic cigarettes and related accessories.

Mr. Stock claimed that he had commenced operating Internet Connection as a sole proprietorship prior to the marriage, but in any event, its articles of incorporation were filed on October 12, 1999, several months after the parties' marriage. Shortly after Ms. Reinard filed the complaint in this case, Mr. Stock purportedly sold Vape Nook to his mother, though Ms. Reinard contended that the sale was a sham transaction, given that Mr. Stock's mother lived in South Dakota, and Mr. Stock's brother, who purportedly took over supervision of the store, also lived in South Dakota.

In 2002, the parties acquired the marital home in Preston, Maryland, financing that purchase with a mortgage. In July of 2008, they obtained a home equity line of credit ("HELOC") of \$42,000 on the same property. Thereafter, the parties used nearly the entire line of credit to pay off credit card debt as well as Ms. Reinard's previous educational loans. In January of 2011, they refinanced the unpaid balance due on the first mortgage as well as the HELOC.

Although it was expected that the HELOC would be closed upon the refinance, it was not. Ms. Reinard thereafter drew down \$41,452.88 from the HELOC. According to

her, the proceeds were used for family expenses, whereas according to Mr. Stock, they were used for her own purposes and should not count as marital debt.

Ms. Reinard’s income was fully documented, but much of Mr. Stock’s income consisted of in-kind contributions from his businesses. Throughout the parties’ marriage, Mr. Stock took cash from his businesses and used it to pay family and personal expenses, such as utilities, vehicle insurance, fuel, and entertainment.

Prior to trial, a dispute arose because of Mr. Stock’s failure to comply with discovery deadlines. Ultimately, Ms. Reinard filed a motion in limine, seeking to exclude from evidence any documents provided by Mr. Stock after he had failed to meet the deadline of April 26, 2016. Immediately before trial, Judge Campen heard argument by the parties on the motion and granted it. In so doing, Judge Campen noted that the scheduling order had been issued the previous November,² that the “discovery deadline date [had been] agreed to by counsel or the parties,” and that Mr. Stock had to bear the consequences of “waiting to the last minute to produce” the documents at issue. According to Mr. Stock, the excluded documents tended to prove that he had premarital assets worth \$192,000 and that the court’s grant of Ms. Reinard’s motion in limine unfairly prejudiced him.

Upon the conclusion of the trial, the parties, at the court’s direction, prepared memoranda and exhibits, setting forth their dueling contentions regarding the amount of

² The original scheduling order had provided that all discovery be concluded by February 26, 2016. On February 10, 2016, an amended scheduling order extended that deadline to April 26, 2016.

the monetary award and child support. Judge Campen thereafter issued a memorandum opinion and order, providing for the sale of the marital home, a fifty-fifty split of the proceeds, and awarding Ms. Reinard use and possession of the marital home in the meantime. He also granted Ms. Reinard a monetary award of \$233,661, child support of \$3,000 monthly, and attorney’s fees of \$10,000. Ms. Reinard filed a timely motion to alter or amend judgment, whereupon Judge Campen issued two additional orders, the first granting Ms. Reinard an absolute divorce and permitting her to be restored to the use of her former name, and the second specifying conditions for payment of the monetary award and child support. Mr. Stock noted timely appeals from all three orders.

STANDARD OF REVIEW

In reviewing an action tried in the circuit court without a jury, we review the judge’s factual findings for clear error, “giv[ing] due regard to the opportunity of the trial court to judge the credibility of the witnesses.” Md. Rule 8-131(c).³ A “factual finding is clearly erroneous if there is no competent and material evidence in the record to support it,” *Anderson v. Joseph*, 200 Md. App. 240, 249 (2011) (citations and quotations omitted), and, conversely, “[w]hen the trial court’s findings are supported by substantial evidence, the findings are not clearly erroneous.” *Innerbichler v. Innerbichler*, 132 Md.

³ Maryland Rule 8-131(c) provides:

(c) Action Tried Without a Jury. When an action has been tried without a jury, the appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.

App. 207, 230 (2000). The clearly erroneous standard does not, however, “apply to a trial court’s determinations of legal questions or conclusions of law based upon findings of fact,” which we review without deference. *Elderkin v. Carroll*, 403 Md. 343, 353 (2008) (citation and quotations omitted).

As for the circuit court’s discretionary rulings, an abuse of discretion occurs “‘where no reasonable person would take the view adopted by the [trial] court,’ or when the court acts ‘without reference to any guiding rules or principles.’” *Sumpter v. Sumpter*, 436 Md. 74, 85 (2013) (quoting *North v. North*, 102 Md. App. 1, 13-14 (1994)).

ANALYSIS

Monetary award

In a divorce proceeding, the statutory “mechanism by which the spouses’ property interests in ‘marital property’ are to be adjusted is the ‘monetary award.’” *Alston v. Alston*, 331 Md. 496, 498 (1993) (footnote omitted). Instead of transferring “ownership of any particular piece of property,”⁴ the trial court “undertakes a three-step process which may culminate in a monetary award.” *Id.* at 499. Initially, the court shall “determine which property is ‘marital property’ subject to allocation”; next, it must “determine the value of the marital property”; and finally, the court must consider the

⁴ “The exceptions to this rule are that a court may transfer interests in pension, retirement, profit sharing, or deferred compensation plans.” *Alston v. Alston*, 331 Md. 496, 499 n.2 (1993).

statutorily enumerated factors, in Family Law Article (“FL”), § 8-205(b),⁵ in determining the amount of a monetary award. *Alston*, 331 Md. at 499.

⁵ Maryland Code (1984, 2012 Repl. Vol.), Family Law Article (“FL”), § 8-205(b), provides:

(b) The court shall determine the amount and the method of payment of a monetary award, or the terms of the transfer of the interest in property described in subsection (a)(2) of this section, or both, after considering each of the following factors:

- (1) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
- (2) the value of all property interests of each party;
- (3) the economic circumstances of each party at the time the award is to be made;
- (4) the circumstances that contributed to the estrangement of the parties;
- (5) the duration of the marriage;
- (6) the age of each party;
- (7) the physical and mental condition of each party;
- (8) how and when specific marital property or interest in property described in subsection (a)(2) of this section, was acquired, including the effort expended by each party in accumulating the marital property or the interest in property described in subsection (a)(2) of this section, or both;
- (9) the contribution by either party of property described in § 8-201(e)(3) of this subtitle to the acquisition of real property held by the parties as tenants by the entirety;

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Mr. Stock contends that Judge Campen clearly erred, at all three steps of the process, in granting Ms. Reinard a monetary award of \$233,661.00. Initially, Mr. Stock contends that Judge Campen abused his discretion in ordering, as a sanction for Mr. Stock’s discovery violation, the exclusion of any documents submitted after the final deadline for discovery, thereby “precluding [Mr. Stock’s] opportunity to present testimony regarding his premarital assets as well as the opportunity to prove them to be directly traceable to assets in existence at the date of divorce.” Mr. Stock further contends that Judge Campen erred in admitting Ms. Reinard’s testimony as to the value of one of his business entities, Internet Connection, Inc., in finding that the value of that entity was, “conservative[ly],” \$61,232.00, and in finding that the HELOC was marital debt. Finally, Mr. Stock contends that Judge Campen gave mere “lip service” to the required statutory factors in determining the amount of the monetary award. These contentions are all meritless.

1. Discovery Sanction

Mr. Stock does not challenge Judge Campen’s finding that he failed to provide the requested documents by the court-ordered deadline, nor does he allege any procedural

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(10) any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and

(11) any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award or transfer of an interest in property described in subsection (a)(2) of this section, or both.

violation by the court. He contends only that Judge Campen abused his discretion in choosing what sanction to impose for the discovery violation, because that sanction precluded him from offering documentary evidence which, he maintains, would have corroborated his testimony that he had “approximately \$192,000.00 in premarital assets.” If the court had credited that testimony, the result would have been a lesser monetary award.⁶

Maryland Rule 2-433 authorizes a circuit court to impose sanctions for discovery violations. It provides in relevant part:

(a) For Certain Failures of Discovery. Upon a motion filed under Rule 2-432 (a),^[7] the court, if it finds a failure of discovery, may enter such

⁶ “Marital property” is defined as “the property, however titled,” that has been acquired by one or both parties during the marriage. FL § 8-201(e)(1). With an exception not pertinent here (applicable to real property held by the parties as tenants by the entirety), “marital property” does not include property acquired before the marriage, acquired “by inheritance or gift from a third party,” excluded by prenuptial agreement, or “directly traceable to any of these sources.” *Id.* § (e)(3)(i)-(iv). Thus, Mr. Stock is complaining, in essence, that Judge Campen’s grant of Ms. Reinard’s motion in limine prevented him from proving that property, which Ms. Reinard contended was marital property, was, instead, “directly traceable to” his purported premarital assets and was therefore not marital property.

⁷ Maryland Rule 2-432(a) provides:

(a) Immediate Sanctions for Certain Failures of Discovery. A discovering party may move for sanctions under Rule 2-433(a), without first obtaining an order compelling discovery under section (b) of this Rule, if a party or any officer, director, or managing agent of a party or a person designated under Rule 2-412 (d) to testify on behalf of a party, fails to appear before the officer who is to take that person’s deposition, after proper notice, or if a party fails to serve a response to interrogatories under Rule 2-421 or to a request for production or inspection under Rule 2-422, after proper service. Any such failure may not be excused on the ground

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orders in regard to the failure as are just, including one or more of the following:

* * *

(2) An order refusing to allow the failing party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence[.]

* * *

(c) For Failure to Comply With Order Compelling Discovery. If a person fails to obey an order compelling discovery, the court, upon motion of a party and reasonable notice to other parties and all persons affected, may enter such orders in regard to the failure as are just, including one or more of the orders set forth in section (a) of this Rule. If justice cannot otherwise be achieved, the court may enter an order in compliance with Rule 15-206 treating the failure to obey the order as a contempt.

“Trial judges are vested with great discretion in applying sanctions for discovery failures.” *Rodriguez v. Clarke*, 400 Md. 39, 56 (2007) (citations omitted). Moreover, “the decision to grant sanctions is not limited to cases in which the trial judge has found the discovery violations to be willful or contumacious.” *Id.* at 57 (citations omitted). Indeed, “[e]ven when the ultimate penalty of dismissing the case or entering a default judgment is invoked, it cannot be disturbed on appeal without a clear showing that this discretion was abused.” *Id.* (quoting *Mason v. Wolfing*, 265 Md. 234, 236 (1972)). *See Sindler v. Litman*, 166 Md. App. 90, 123 (2005) (observing that appellate “review of the trial court’s resolution of a discovery dispute is quite narrow” and that “appellate courts

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that the discovery sought is objectionable unless a protective order has been obtained under Rule 2-403.

are reluctant to second-guess the decision of a trial judge to impose sanctions for a failure of discovery”).

In its discretion to apply discovery sanctions, a trial court must consider five factors:

whether the disclosure violation was technical or substantial, the timing of the ultimate disclosure, the reason, if any, for the violation, the degree of prejudice to the parties respectively offering and opposing the evidence, whether any resulting prejudice might be cured by a postponement and, if so, the overall desirability of a continuance.

Saxon Mortgage Services., Inc. v. Harrison, 186 Md. App. 228, 252 (2009) (quoting *Taliaferro v. State*, 295 Md. 376, 390-91 (1983)) (footnote omitted).

Two decisions, in particular, well illustrate the principle that a trial court may, in its discretion, impose grave sanctions, up to the dismissal of a case, for a sufficiently egregious discovery violation. They are *Rodriguez v. Clarke*, 400 Md. 39, and *Sindler v. Litman*, 166 Md. App. 90.

In *Rodriguez*, a medical malpractice action, the plaintiffs belatedly provided a list of their medical experts to opposing counsel, and they also were not forthcoming in providing descriptions of the experts’ opinions or in supplying dates for their depositions to be taken. *Id.* at 50. The trial judge ultimately issued an order excluding those experts from testifying and then granted summary judgment in favor of the defendants, and the Court of Appeals affirmed, observing that “the sanctions were proportionate to the discovery abuse.” *Id.* at 70.

Sindler was a tort case arising out of a 1994 automobile accident. *Sindler*, 166 Md. App. at 99. The Sindlers’ original complaint alleged negligence by the defendants,

Honey Litman and Jeffrey Litman, and sought compensation for personal injury and loss of consortium. *Id.* “The pre-trial process was very lengthy, and the case was not tried until September, 2004.” *Id.* Two months prior to trial, one of the plaintiffs, Barbara Sindler, committed suicide, and her surviving spouse, Bruce Sindler, M.D., filed an amended complaint raising wrongful death and survival claims. *Id.* The circuit court entered summary judgment in favor of the Sindlers on the issue of liability and in favor of the Litmans on the wrongful death claim, and the case proceeded to trial on the survival and loss of consortium claims. *Id.* Following a jury verdict in favor of Dr. Sindler, the Litmans moved “to dismiss the entire case based on discovery violations,” and, after the circuit court granted their motion, Dr. Sindler appealed. *Id.*

We affirmed, holding that the circuit court had not abused its discretion. We noted that the Sindlers had failed to provide answers to interrogatories, had failed to offer an adequate explanation for their “repeated and ongoing failures to provide complete discovery,” and had failed to appear for a re-deposition despite having consented to do so, a failure which resulted in prejudice to the Litmans, given Ms. Sindler’s suicide. *Sindler*, 166 Md. App. at 126, 133.

Turning to the instant case and applying the factors set forth in *Saxon Mortgage Services*, we begin with the observation that the discovery violation here was substantial because it involved a failure to timely disclose evidence that was offered to establish whether certain assets were marital property. As for the timing of the ultimate disclosure, we note that, contrary to Mr. Stock’s assertion, the information was ultimately disclosed less than one month before trial.

Mr. Stock has not asserted a legitimate reason for his tardy disclosure, claiming that he had not had a “realistic opportunity to search the entire [marital] home,” despite his own admission, during cross-examination at trial, that he had at least a fifteen-day period, from late December of 2015 into January of 2016, approximately two months before the discovery deadline, to conduct a search. As for prejudice, if the circuit court had permitted Mr. Stock to introduce his belatedly disclosed documentary evidence, Ms. Reinard would have suffered substantial prejudice because the deadline for discovery in the case had already passed, potentially hampering her ability to prepare for trial. Finally, although the trial court could have granted a continuance, it was not obligated to do so, and, given Mr. Stock’s lack of justification for the tardy disclosure, it was certainly not an abuse of discretion to grant Ms. Reinard’s motion in limine. *See Valentine-Bowers v. Retina Group of Wash., P.C.*, 217 Md. App. 366, 386 (2014) (observing that, in the exercise of its discretion, “whatever the trial court *could* have done by way of a postponement, it was not *required* to do so”). We conclude that the sanction was “proportionate to the discovery abuse.” *Rodriguez*, 400 Md. at 70; *accord Sindler*, 166 Md. App. at 132-33.

2. *Purported Valuation Errors*

Internet Connection, Inc.

Mr. Stock, without citation to the record, asserts that Judge Campen erred in admitting Ms. Reinard’s testimony concerning the value of Internet Connection, Inc., a business entity for which she had never been a title owner. Given that lack of citation,

we could, for that reason alone, decline to consider this claim.⁸ *See Rollins v. Capital Plaza Assocs., L.P.*, 181 Md. App. 188, 201 (2008) (observing that an appellate court “cannot be expected to delve through the record to unearth factual support favorable to” an appellant) (citation and quotation omitted). *See also* Md. Rule 8-504(a)(4) (requiring that a brief contain reference “to the pages of the record extract supporting the assertions”).

In any event, Judge Campen, in estimating the value of Internet Connection, Inc., made the following findings:

The second business is Internet Connection, Inc. Testimony is conflicted about whether Internet Connection, in some capacity, began prior to the marriage on June 26, 1999. Evidence admitted by the Court, however, clearly shows that the Articles of Incorporation and the SDAT for Internet Connection, Inc. established a formation date of October 12, 1999. The Court finds that this is credible evidence of the corporate existence of the business Internet Connection, Inc. and therefore includes it as marital property. The valuation of the business is a conglomeration of assets and bank accounts owned by the business. Evidence admitted by the Court documents three (3) PNC bank accounts in Internet Connection, Inc.’s name. The value of these three (3) accounts are \$2,245 (#1358), \$4,026 (#1335), and \$27,061 (#6242) dollars. The testimony and evidence admitted by the Court also demonstrated that three (3) vehicles were held as assets by Internet Connection, Inc., a Ford Ltd. Harley Davidson F-150 with a value of \$14,500, a 2005 Cadillac CTSV with a value[] of \$10,400, and a 2005 Honda Odyssey with a value of \$3,000[.] A conservative valuation of Internet Connection, Inc. is \$61,232[.]

⁸ We are, moreover, unable to determine, from our review of Ms. Reinard’s testimony, where she opined as to the value of Internet Connection. As far as we can determine, Ms. Reinard merely stated that Mr. Stock regularly used company credit or debit cards to pay for family expenses. That testimony in no way is an opinion as to the value of the business entity, and, moreover, it shed light on Mr. Stock’s extensive commingling of his business and personal assets, which was relevant to the question of imputed income.

Judge Campen plainly relied upon properly admitted documentary evidence, to which no objection had been made, that being the Articles of Incorporation and SDAT information, indicating that Internet Connection had been incorporated October 12, 1999, several months after the parties had been married, which led him to conclude that it was marital property. This finding is supported by substantial evidence and is therefore not clearly erroneous. *Innerbichler*, *supra*, 132 Md. App. at 230.⁹

Moreover, it is undisputed that, as of the time of trial, the charter of Internet Connection, Inc, had been forfeited. When a corporation’s charter is forfeited, “it loses all powers and its actions are null and void.” *Hill Constr. v. Sunrise Beach, LLC*, 180 Md. App. 626, 636, *cert. denied*, 406 Md. 192 (2008). The corporate directors “become trustees of its assets only for the purpose of liquidating and winding up its affairs.” *Id.*; *see* Md. Code (1975, 2014 Repl. Vol.), Corporations and Associations Article, § 3-515(a), (b). Under those circumstances, it was reasonable for Judge Campen to look to the parties’ Joint Statement for estimated values of the corporate assets, and he did not err in so doing. Finally, to the extent that Mr. Stock contends that Judge Campen erred in

⁹ Even if Judge Campen had credited Mr. Stock’s testimony that he had begun Internet Connection as an unincorporated sole proprietorship, shortly before the marriage, he still could have correctly determined that essentially all the remaining value of Internet Connection was nonetheless marital property. There was substantial evidence in the record that Mr. Stock’s principal employment, during most of the marriage, was in running Internet Connection, and, furthermore, he extensively commingled its funds with those used by the family. Judge Campen was entitled to conclude that all the value of Internet Connection was attributable to Mr. Stock’s active efforts during the marriage and that, in any event, the commingling of funds made it impossible to “directly trace” any of its value to a non-marital source. *See, e.g., Innerbichler*, 132 Md. App. at 235-36; *Merriken v. Merriken*, 87 Md. App. 522, 538-39 (1991).

disbelieving his estimate of corporate value, we note that it was entirely within the court’s authority to disbelieve his testimony, as it apparently did. *See, e.g., Hollander v. Hollander*, 89 Md. App. 156, 175 (1991) (noting that the “trier of fact is not bound to accept the testimony of any witness even if it is uncontradicted”) (citation and quotations omitted).

The HELOC and the Marital Home

Mr. Stock further contends that Judge Campen erred in determining that the HELOC was marital debt, which reduced the equity in the marital home, claiming instead that the loan “should have been paid from Appellee’s share of the proceeds.” This contention is without merit.

A “marital debt” is “a debt which is directly traceable to the acquisition of marital property.” *Schweizer v. Schweizer*, 301 Md. 626, 636 (1984). Accordingly, Judge Campen considered the evidence to determine the uses to which the HELOC had been put during the marriage. That evidence included Ms. Reinard’s testimony that the funds drawn from that line of credit had been used for household expenses and family vacations to China, Hawaii, Las Vegas, and South Dakota. Based upon that testimony, Judge Campen concluded that the debt had been incurred “for the benefit of the [S]tock family unit” and that, moreover, Mr. Stock both knew of and acquiesced in the use to which those proceeds had been put, and he therefore ruled that the HELOC was marital debt. Because that conclusion is supported by substantial evidence, it is not clearly erroneous. *Innerbichler*, 132 Md. App. at 230.

3. Purported “Lip Service” Given to the Statutory Factors

Mr. Stock complains that Judge Campen gave mere “lip service” to the statutory factors in determining the amount of the monetary award. That complaint is without merit.

As noted earlier, a circuit court must consider the statutorily enumerated factors, in FL § 8-205(b), in determining the amount of a monetary award. *Alston*, 331 Md. at 499. That does not mean, however, that a court must provide a detailed, step-by-step recitation of the precise manner in which it weighed each factor. *See, e.g., Brewer v. Brewer*, 156 Md. App. 77, 107 (2004) (quoting *Doser v. Dosser*, 106 Md. App. 329, 351 (1995)) (noting that “while consideration of the factors is mandatory, the trial court need not go through a detailed check list of the statutory factors, specifically referring to each, however beneficial such a procedure might be for purposes of appellate review”) (cleaned up). Indeed, because “trial judges are presumed to know the law and to apply it properly,” *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 426 (2007) (citations and quotations omitted), “not every step in their thought process needs to be explicitly spelled out.” *Zorich v. Zorich*, 63 Md. App. 710, 717 (1985). Thus, the “fact that the court did not catalog each factor and all the evidence which related to each factor does not require reversal.” *John O. v. Jane O.*, 90 Md. App. 406, 429 (1992), *abrogated on other grounds by Wills v. Jones*, 340 Md. 480 (1995).

In any event, Mr. Stock mischaracterizes Judge Campen’s findings. In the memorandum opinion in this case, Judge Campen explained how he arrived at the amount of the monetary award:

In consideration of the various statutory factors, particularly the economic circumstances of the parties, the Court has determined that a Monetary Award will be made by Mr. Stock to Ms. [Reinard] in order to achieve the complete 50/50 split of marital property as an adjustment of the equities and rights of the parties. In arriving at this determination **the Court considered all of the §8-205(b) factors as well as the directives of the Appellate Courts and the various arguments made in detail in the Post-Hearing Memorandum of the parties.**

Also the significant credit card and line of credit debts incurred by Ms. [Reinard] have been considered. Viewing the application of the charges for the benefit of the [S]tock family unit, and Mr. Stock’s [k]nowledge and acceptance of those benefits, further weighs in favor of an equal division of the marital property by the Court.

The mechanics of the monetary award are set forth in Exhibit B which is attached. The award is based upon the total assets, classified as marital property, in order to arrive at a fair and equitable adjustment of the rights of the parties.

(Emphasis added.)

Not only did Judge Campen explain that he “considered all” the statutory factors, he further considered the arguments and post-trial memoranda of the parties, which, as Ms. Reinard points out, expressly referred in detail to the statutory factors and how each party contended they should apply. We conclude that Mr. Stock has utterly failed to rebut the presumption that Judge Campen properly applied the Section 8-205(b) factors.

Child support

Finally, Mr. Stock contends that Judge Campen erroneously relied upon an obsolescent “per capita support” standard in determining the amount of child support and that he further erred in “entirely fail[ing]” to make the requisite factual findings, leaving us without a “reasoned determination as to the respective incomes of the parties supported by the evidence[.]” These contentions, like the others, are without merit.

1. Purported Application of Erroneous Legal Standard

In announcing the amount of child support Mr. Stock would be ordered to pay (since physical custody of their three children had been awarded to Ms. Reinard, an issue not being contested), Judge Campen declared in the memorandum opinion:

The child support calculations, as proposed by each party, are drastically different. Considering the arguments set out in the Post-Hearing Memoranda and the reliable testimony before the Court at the merit’s hearing, the Court cannot accept either party’s child support guidelines as suggested. Much of Mr. Stock’s income used by Ms. [Reinard] to calculate the child support guidelines is imputed income and includes payments by Internet Connection, Inc. and Vape Nook that reduce his personal living expenses. **Accordingly, the Court will reduce and round Ms. [Reinard]’s proposed child support guideline figure to an even \$3,000 dollars per month to be paid by Mr. Stock to Ms. [Reinard]. This equates to a breakdown of \$1,000 dollars per month for each of the minor children.**

(Emphasis added.)

Mr. Stock seizes on the parenthetical remark that the child support obligation amounts to \$1,000 per child per month and insists that Judge Campen relied upon a “per capita support” approach that is contrary to the Maryland Child Support Guidelines. *See Cynthia Callahan & Thomas C. Ries, Fader’s Maryland Family Law*, § 6-3(a), at 6-8 to 6-9 (observing that the Maryland Child Support Guidelines “also eliminate the per capita support approach (\$X per child per month) in favor of a unitary support amount that recognizes that there are economies of scale in families with multiple children”). We are not persuaded.

Mr. Stock ignores the text immediately preceding the offending remark, in which Judge Campen stated that he had considered the parties’ suggested child support

worksheets but ultimately arrived at an amount between the two figures proposed by the parties, albeit much closer to the amount requested by Ms. Reinard. Given that “much” of Mr. Stock’s income is imputed¹⁰ and that the record is replete with testimony and documentary evidence that Mr. Stock relied upon his business entities to pay family and personal expenses, we cannot say that the court’s findings are clearly erroneous. *Innerbichler, supra*, 132 Md. App. at 230. Nor do we think the court relied upon an incorrect legal standard, given its statement that it had considered both parties’ child support worksheets. We agree with Ms. Reinard that the court’s remark was merely a mathematical truism and not an acknowledgement that it had relied upon an incorrect legal standard.

2. Purported Failure to Make Factual Findings Underpinning Child Support

Mr. Stock claims that Judge Campen “entirely failed” to make findings as contemplated in Section 12-202(a)(2)(v) of the Family Law Article, which applies where “the court determines that the application of the guidelines would be unjust or inappropriate in a particular case[.]”¹¹ He ignores, however, that Judge Campen made no

¹⁰ In the parties’ respective child support worksheets, they agree on Ms. Reinard’s monthly income but differ by a factor of three as to Mr. Stock’s.

¹¹ FL § 12-202(a) provides:

(a)(1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

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(continued)

(2)(i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

- A. the amount of child support that would have been required under the guidelines;

- B. how the order varies from the guidelines;

(continued)

such determination. Rather, Judge Campen impliedly applied the guidelines in largely accepting Ms. Reinard’s suggested child support worksheets, which were based upon the guidelines. Thus, Judge Campen was not required to make factual findings under Section 12-202(a)(2)(v), because that subsection applies only if the court departs from the guidelines.

Mr. Stock’s real point of contention is that Judge Campen largely agreed with Ms. Reinard’s assertion that he had considerable imputed income, an assertion that, if accepted, obviously results in a larger child support contribution. Given the extensive evidence that Mr. Stock used cash from both Internet Connection and Vape Nook for personal and family expenses, we cannot say that the court was clearly erroneous in arriving at the child support figure. *Innerbichler, supra*, 132 Md. App. at 230. As a result, we affirm.

**JUDGMENT OF THE CIRCUIT COURT
FOR CAROLINE COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

(continued)

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.