# MEMORANDUM DECISION





IN THE

# Court of Appeals of Indiana

Valerie Renee Hunt,

*Appellant-Respondent*

v.

Clifford Dale Hunt,

*Appellee-Petitioner*

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March 23, 2026

Court of Appeals Case No.
25A-DC-2363

Appeal from the Hamilton Circuit Court

The Honorable Andrew R. Bloch, Judge

Trial Court Cause No.
29C01-2310-DC-9824

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**Memorandum Decision by Chief Judge Tavitas**
Judges Weissmann and Foley concur.

**Tavitas, Chief Judge.**

## Case Summary

[1] Valerie Hunt ("Wife") appeals the trial court's dissolution of her marriage to Clifford Hunt ("Husband"). Wife argues that the trial court abused its discretion in dividing the marital estate and in calculating Husband's child support arrearage. We conclude that Wife has failed to demonstrate that the trial court erred in either dividing the marital estate or calculating Husband's child support arrearage. Accordingly, we affirm.

## Issues

[2] Wife raises two issues, which we restate as:

I. Whether the trial court abused its discretion when it divided the marital estate.

II. Whether the trial court's calculation of Husband's child support arrearage is clearly erroneous.

## Facts

[3] Husband and Wife were married in 2003, and they had three children, one of whom is now emancipated. In April 2023, Husband moved into an apartment and informed Wife that he intended to file for dissolution. Shortly thereafter, Husband withdrew a total of $220,823.33 from his retirement account without Wife's knowledge. Husband then filed a petition for dissolution of marriage in

October 2023. At the time Husband filed the petition for dissolution, the retirement account in question had a balance of $309,412.46.[1]

[4] An August 2024 provisional order granted Wife primary physical custody of the children with Husband having parenting time pursuant to the Indiana Parenting Time Guidelines. The trial court reserved the issue of child support and its retroactivity for the final hearing.

[5] A final hearing was held in May 2025. Wife argued that Husband dissipated marital assets when he withdrew the $220,823.33 from his retirement account. Wife proposed including the $220,823.33 in Husband's marital assets and then an equal division of marital property, which would have resulted in an equalization payment from Wife to Husband in the amount of $90,960.87. Husband, on the other hand, proposed a 43%–57% division of marital assets in his favor. Husband did not include the $220,823.33 withdrawal in retirement funds in his calculations and proposed a $100,000 equalization payment from Wife to Husband.

[6] The trial court entered findings of fact and conclusions thereon granting the petition for dissolution of marriage. Regarding the marital estate, the trial court found that Husband dissipated assets in the amount of $220,823.33 when he withdrew the funds from his retirement accounts shortly before filing his

[1] During the pendency of the dissolution proceedings, Husband "entirely depleted" this retirement account and a separate retirement account. Appellant's App. Vol. II p. 53.

petition for dissolution. The trial court found: "Husband's withdrawal of $220,823.33 from his Sammons IRA account is dissipation of the marital assets for the sole benefit of Husband, and this dissipated amount is factored into the division of the marital estate." Appellant's App. Vol. II p. 52. The trial court further found that "Wife has rebutted the presumption of an equal division of property due to Husband's dissipation of the marital estate." *Id.* at 56.

[7] The trial court calculated the net marital estate as of the filing of the petition to be $916,282.81 and found that Husband was receiving $256,488.89 and Wife was receiving $659,793.92. After taking into account Husband's dissipation of $220,823.33 of marital assets, the trial court ordered Wife to pay $90,960.83[2] to Husband as an equalization payment.

[8] Regarding child support, the trial court imputed annual income to Husband in the amount of $100,000, and then found:

> 24. Husband's annual overnights under the stipulated parenting time agreement of the Parties is 116.
>
> 25. Effective the first Friday following court approval, Husband shall pay weekly child support in the amount of $100.00 per week. Child support shall be paid by Income Withholding Order, if available, through the INSCCU which shall be prepared by Husband's counsel.

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[2] The trial court's property distribution chart lists an equalization payment of $90,960.87, which matches Wife's request. In an apparent typographical error, paragraph 65 of the trial court's order, however, orders Wife to transfer $90,960.83, but this four-cent error is *de minimis* and Wife does not raise this issue on appeal.

> 26. As to the arrearage issue, the Court finds that Father has only paid $210.00 toward the care and support of the children during the pendency of this dissolution action. At the current rate of payable child support, Father's arrearage is now $9,700.00 (97 weeks times $100). This arrearage shall be reduced by the $210.00 paid, for a total arrearage of $9,490.00 (Nine thousand four hundred ninety dollars and zero cents). This amount of child support is due and owing to Mother as of Friday, August 29, 2025.

Appellant's App. Vol. II p. 47.

[9] The trial court reduced Wife's equalization payment by the $9,490 child support arrearage, leaving a total payment from Wife to Husband of $81,470.83. The trial court found: "Upon such transfer, each party will receive 50% of the marital estate, when Husband's dissipated assets are considered." *Id.* at 59.

[10] Husband filed a petition for *nunc pro tunc* regarding the trial court's child support calculation, which the trial court denied. Wife filed a petition for *nunc pro tunc* regarding a vehicle lease, which the trial court granted. Wife now appeals.

## Discussion and Decision

[11] Wife challenges the trial court's division of marital assets and the calculation of Husband's child support arrearage. The trial court issued findings of fact and conclusions thereon pursuant to a request under Indiana Trial Rule 52(A). Accordingly, we apply a two-tiered review. *Wysocki v. Johnson*, 18 N.E.3d 600,

603 (Ind. 2014). We "affirm when the evidence supports the findings, and when the findings support the judgment." *Id.* We do not "set aside the findings or judgment unless [they are] clearly erroneous," and we must give "due regard . . . to the opportunity of the trial court to judge the credibility of the witnesses." *Id.* (citing Ind. Trial Rule 52(A)). "Findings of fact are clearly erroneous only when they have no factual support in the record." *Id.* "[A] judgment is clearly erroneous if it applies the wrong legal standard to properly found facts." *Id.* at 604. We review the trial court's legal conclusions de novo. *Gittings v. Deal*, 109 N.E.3d 963, 970 (Ind. 2018).

[12] We note that Husband did not submit an appellee's brief. "[W]here, as here, the appellees do not submit a brief on appeal, the appellate court need not develop an argument for the appellees but instead will 'reverse the trial court's judgment if the appellant's brief presents a case of prima facie error.'" *Salyer v. Washington Regular Baptist Church Cemetery*, 141 N.E.3d 384, 386 (Ind. 2020) (quoting *Front Row Motors, LLC v. Jones*, 5 N.E.3d 753, 758 (Ind. 2014)). "Prima facie error in this context means 'at first sight, on first appearance, or on the face of it.'" *Id*. This less stringent standard of review relieves us of the burden of controverting arguments advanced in favor of reversal where that burden properly rests with the appellee. *See, e.g., Jenkins v. Jenkins*, 17 N.E.3d 350, 352 (Ind. Ct. App. 2014). We are obligated, however, to correctly apply the law to the facts in the record in order to determine whether reversal is required. *Id.*

## I. Division of the Marital Estate

[13] First, Wife challenges the trial court's division of the marital estate. "'The party challenging the trial court's property division bears the burden of proof.'" *Meyer v. East*, 205 N.E.3d 1066, 1071 (Ind. Ct. App. 2023) (quoting *Smith v. Smith*, 194 N.E.3d 63, 72 (Ind. Ct. App. 2022)). "That party must overcome a strong presumption that the court complied with the statute and considered the evidence on each of the statutory factors." *Id.*; *see* Ind. Code § 31-15-7-5. "The presumption that a dissolution court correctly followed the law and made all the proper considerations when dividing the property is one of the strongest presumptions applicable to our consideration on appeal." *Meyer*, 205 N.E.3d at 1071 (quoting *Smith*, 194 N.E.3d at 72). "Thus, we will reverse a property distribution only if there is no rational basis for the award." *Id.*

[14] Pursuant to Indiana Code Section 31-15-7-4(b), the trial court "shall divide the property in a just and reasonable manner . . . ." We "presume that an equal division of the marital property between the parties is just and reasonable." Ind. Code § 31-15-7-5. This presumption may be rebutted by evidence that an "equal division would not be just and reasonable." *See id*. One of the factors considered is: "The conduct of the parties during the marriage as related to the disposition or dissipation of their property." I.C. § 31-15-7-5(4)

[15] Wife complains that the trial court abused its discretion by finding that Husband dissipated marital assets and then ordering an equal division of marital assets. Wife claims that Husband suffered "no consequence for his dissipation." Appellant's Br. p. 14. Wife's argument fails for two reasons.

[16] First, the trial court's order matches Wife's proposed division of marital assets. Wife received exactly the division of marital assets that she requested. *See* Ex. Vol. VI pp. 74-76 (Respondent's Ex. DD and EE). In fact, Wife's proposed division of marital assets suggested an equalization payment of $90,960.87 from Wife to Husband. A party "may not request a trial court to take an action and later claim on appeal that such action is erroneous." *Baugh v. State*, 933 N.E.2d 1277, 1280 (Ind. 2010). Under the invited error doctrine, "a party may not take advantage of an error that she commits, invites, or which is the natural consequence of her own neglect or misconduct." *Id.* The invited error doctrine applies here to preclude consideration of Wife's appellate claims regarding the division of marital assets.

[17] Moreover, Wife misunderstands the trial court's order. Husband dissipated the retirement funds prior to the filing of the petition for dissolution. To account for these dissipated assets, the trial court added the dissipated assets to the net marital estate received by Husband and then ordered an equalization payment of $90,960.87 from Wife to Husband. When the dissipated assets are taken into account, the parties received an equal division. Due to the dissipated assets, however, Husband received a substantially reduced portion of the existing marital assets. The trial court took the dissipated assets into consideration and awarded Wife exactly the division of assets that she requested. Accordingly, we conclude that the trial court did not abuse its discretion.

## II. Child Support Arrearage

[18] Next, Wife challenges the trial court's calculation of Husband's child support arrearage. "[A] trial court's calculation of child support is presumptively valid." *Bogner v. Bogner*, 29 N.E.3d 733, 738 (Ind. 2015) (quoting *Young v. Young,* 891 N.E.2d 1045, 1047 (Ind. 2008)). We consider "only evidence and reasonable inferences favorable to the judgment," and we reverse only if the determination is "clearly erroneous." *Id.* Clear error is error that "leaves us with a definite and firm conviction that a mistake has been made." *Masters v. Masters*, 43 N.E.3d 570, 575 (Ind. 2015).

[19] In the provisional order, the trial court held the child support determination in abeyance pending the final hearing. After the final hearing, the trial court imputed income to Husband and ordered him to pay $100 per week in child support based upon 116 annual overnights. The trial court applied this child support calculation retroactively to the date the dissolution petition was filed.

[20] On appeal, Wife argues only that Husband exercised no overnights for nearly half of the provisional period. During the final hearing, Wife submitted three child support worksheets—one for October 13, 2023 through August 2, 2024, with no overnights; one for August 2, 2024, through December 16, 2024, with 104 overnights; and one for December 16, 2024, through May 29, 2025, with 104 overnights and updated weekly gross income for Wife. *See* Ex. Vol. IV pp. 144-151 (Respondent's Ex. K). The first worksheet, however, was unsupported by evidence at the final hearing. Wife presented no evidence whatsoever during

the May 2025 final hearing regarding Husband's lack of overnights with the children from October 13, 2023, through August 2, 2024.

[21] On appeal, Wife relies upon evidence of Husband's lack of overnights with the children that was presented at the May 2024 provisional hearing and at a hearing on a motion for rule to show cause, which was held in August 2025, months after the final hearing. The trial court should not be expected to piece together evidence from multiple hearings over the course of the proceedings to support Wife's requests. Wife had the burden to present evidence at the final hearing to support her requested child support arrearage, and she failed to do so. Accordingly, the trial court's child support arrearage calculation is not clearly erroneous.

## Conclusion

[22] Wife has failed to demonstrate error regarding the division of marital assets or the trial court's child support arrearage calculation. Accordingly, we affirm.

[23] Affirmed.

Weissmann, J., and Foley, J., concur.

ATTORNEYS FOR APPELLANT

Bryan L. Ciyou
Ciyou & Associates, P.C.
Indianapolis, Indiana

Anne M. Lowe
Fugate Gangstad Lowe, LLC
Carmel, Indiana