



FAMILY LAW Case Update



Decided...

Equitable division of marital property not necessarily equal

Dindal v. Dindal, 2009-Ohio-3528

Mr. and Mrs. Dindal received their divorce decree in February 2009. Shortly thereafter, Mr. Dindal appealed the court's decision citing, among other things, disagreement with the division of the couple's retirement accounts.

Both Mr. and Mrs. Dindal maintained separate retirement accounts throughout their marriage. During the discovery phase of the divorce, both parties testified they had individual retirement accounts in their names. Mr. Dindal estimated the value of his retirement accounts for the record and produced recent statements proving the exact value of his accounts. Mrs. Dindal did not provide such statements. Based on the evidence provided, the trial court concluded that each party should maintain complete ownership of their own respective retirement accounts.

On appeal, Mr. Dindal claimed that because the trial court failed to require Mrs. Dindal to establish the value of her retirement accounts, the court could not possibly have divided the retirement plans equitably.

The appellate court agreed that retirement benefits acquired during a marriage are marital assets and must be equitably divided between the parties. However, the court noted that "equitable" does not necessarily

mean "equal". Also, despite the fact that Mrs. Dindal did not provide evidence valuing her retirement accounts, neither party testified to any large disparity between their accounts.

The appellate decision stated that although it has been held that a trial court abused its discretion when it failed to determine the market value of property it divides in divorce, the court cited *Hruby v. Hruby*, wherein a husband, similar to Mr. Dindal, waived his argument regarding valuation when he failed to present any evidence regarding his wife's assets to the trial court.

The appellate decision stated, "it is the responsibility of the parties to put forth the evidence they believe is relevant and necessary for a just decision". Because Mr. Dindal did not provide any evidence regarding the value of Mrs. Dindal's accounts during trial, his appeal was found to be without merit.

"A court does not abuse its discretion where the evidence before it to show the value of the marital assets is vague."

For more information on our Family Law Advisory Services, contact:

Rebekah Smith, CPA, CVA, CFFA
Director of Dispute Advisory & Forensic Services
614.947.5300

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