

**Commonwealth Of Kentucky**

**Court of Appeals**

NO. 2002-CA-000499-MR

STEVEN M. AUDEN

APPELLANT

v. APPEAL FROM JEFFERSON FAMILY COURT  
HONORABLE JOAN L. BYER, JUDGE  
ACTION NO. 00-FC-004934

MARY MARGARET STUBBS

APPELLEE

AND

NO. 2002-CA-000658-MR

MARY MARGARET STUBBS

CROSS-APPELLANT

v. CROSS-APPEAL FROM JEFFERSON FAMILY COURT  
HONORABLE JOAN L. BYER, JUDGE  
ACTION NO. 00-FC-004934

STEVEN M. AUDEN

CROSS-APPELLEE

OPINION

AFFIRMING

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BEFORE: DYCHE, JOHNSON, AND PAISLEY, JUDGES.

DYCHE, JUDGE. Steven Audenaert (now Auden) and Mary Margaret Stubbs were married in April 1981. Both are medical doctors,

although Margaret never completed her residency requirement and has not practiced medicine since 1989. The parties have two daughters (Annie-Laurie, born February 1, 1984, and Elizabeth Leigh, born March 7, 1986). The parties separated in May 2000, and Steven filed a petition for dissolution of marriage the following month.

The Jefferson Family Court issued a decree of dissolution in April 2001. That court entered its Findings of Fact, Conclusions of Law, and Order on January 25, 2002. Post-decree orders were entered in February and April 2002.

Steven appeals the lower court's findings, first arguing that the family court erred in awarding Margaret maintenance of \$3,500.00 per month for eight years. He finds fault with both the award itself and the duration of the award. We have examined the voluminous record and cannot find fault with the family court's award. The family court considered the factors contained in Kentucky Revised Statute (KRS) 403.200 and determined that Margaret was entitled to maintenance. "In order to reverse the trial court's decision, a reviewing court must find either that the findings of fact are clearly erroneous or that the trial court has abused its discretion." Russell v. Russell, Ky. App., 878 S.W.2d 24, 26 (1994)(citation omitted). Appellant fails to meet either burden, and we affirm the award and duration of maintenance.

Steven next argues that the family court erred in its valuation of his medical practice. He urges this Court to remand the matter for further findings by the family court. Again appellant must convince the reviewing court that the decision of the finder of fact was against the weight of the evidence. Clark v. Clark, Ky. App., 782 S.W.2d 56, 58 (1990). And again we have not been persuaded that the family court's valuation of Steven's share of Pediatric Anesthesia Associates at \$275,371.00 was clearly erroneous.

Margaret's sole issue on cross-appeal is that the family court erred in its valuation of the parties' property located in Oldham County. In that regard the family court accepted Steven's expert's valuation (\$390,000.00) over its own appointed expert's valuation of \$470,000.00. Faced with the differing values, the family court stated its reasons for placing the lower value on the property. The evidence supports this decision, and we decline to disturb it. Russell, supra.

The judgment of the Jefferson Family Court is affirmed.

PAISLEY, JUDGE, CONCURS.

JOHNSON, JUDGE, CONCURS IN RESULT ONLY.

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