

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-000843-MR

ROY T. MAYNARD

APPELLANT

v. APPEAL FROM BELL CIRCUIT COURT
HONORABLE JAMES L. BOWLING, JR., JUDGE
ACTION NO. 02-CI-00131

JAMIE LYNN MAYNARD

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: HUDDLESTON, PAISLEY AND TACKETT, JUDGES.

PAISLEY, JUDGE. This is a pro se appeal from a decree entered by the Bell Circuit Court in a dissolution proceeding.

Appellant contends that the court erred by prematurely entering the decree. Although appellee did not file a brief on appeal, we affirm for the reasons stated hereafter.

The record shows that the parties married in October 2001, and that appellant filed a petition for dissolution five months later on March 21, 2002. No children were born of the

marriage. It appears that appellant was incarcerated in the Bell County Forestry Camp throughout the marriage.

Appellant's pro se petition for dissolution clearly was a generic fill-in-the-blank form on which he completed only those blanks which appeared to be pertinent to him. The generic demands listed at the end of the petition included a request that the court equitably divide marital property and debts, as well as requests concerning child custody, child support and maintenance. Despite the generic request for a division of marital property and debts, the petition was accompanied by appellant's affidavit of indigency, in which he swore under oath that he owned "no real property, assets, nor stocks or bonds, or anything of actual value." Appellant was given leave to proceed in forma pauperis.

On April 1, 2002, appellee responded to the petition and specifically stated "that the parties have not accumulated any marital property or debts." On April 15 appellee filed a motion and supporting documents seeking entry of a decree of dissolution, again stating that the parties had no marital property or debts subject to division by the court. The court entered a decree of dissolution that same day, stating that "the parties have no marital property, or debts to be divided."

Two days later, on April 17, appellant filed a response to appellee's motion for entry of a decree of

dissolution. He alleged for the first time that appellee had in her possession a vehicle which was marital property because a portion of the vehicle's purchase price as well as certain car insurance payments had been loaned to the parties by appellant's mother. Appellant also alleged for the first time that he was entitled to the return of his personal property, and he requested that appellee be ordered to provide him with temporary maintenance and health insurance. However, the record shows that the court did not respond to the April 17 motion, and that appellant did not file any motions seeking to set aside or alter the April 15 decree. Instead, on April 22 he filed a notice of appeal from that decree.

On appeal, appellant contends that the trial court prematurely entered the April 15 decree without providing him with ample opportunity to respond to appellee's motion to enter a decree of dissolution. He also requests that this court provide him with certain relief regarding the vehicle, maintenance and health insurance. However, appellant never filed any motions to alter or set aside the April 15 decree, and he did not otherwise provide the trial court with the opportunity to correct any errors relating to the decree's entry. Although appellant did timely file a notice of appeal from the April 15 decree, that decree did not in any way address the issues now raised on appeal. It follows, therefore, that

such issues are not properly before this court and may not be addressed on appeal.

The decree is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT - Pro Se: NO BRIEF FILED FOR APPELLEE

Roy T. Maynard
Ashland, Kentucky