

RENDERED: JUNE 15, 2007; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2006-CA-000456-MR

ALTHEA SUE STEVENS

APPELLANT

v. APPEAL FROM CARTER FAMILY COURT  
HONORABLE KRISTI HOGG GOSSETT, JUDGE  
ACTION NO. 05-CI-00166

GREGORY EARL STEVENS

APPELLEE

AND

NO. 2006-CA-000706-MR

GREGORY EARL STEVENS

CROSS-APPELLANT

CROSS-APPEAL FROM CARTER FAMILY COURT  
HONORABLE KRISTI HOGG GOSSETT, JUDGE  
ACTION NO. 05-CI-00166

ALTHEA SUE STEVENS

CROSS-APPELLEE

OPINION  
AFFIRMING

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BEFORE: ABRAMSON AND TAYLOR JUDGES; KNOPF,<sup>1</sup> SENIOR JUDGE.

KNOPF, SENIOR JUDGE: This appeal and cross-appeal arise from a judgment

dissolving the marriage of the parties. Appellant/cross-appellee, Althea Sue Stevens

<sup>1</sup> Senior Judge William L. Knopf, sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

(Sue), argues that the trial court erred by failing to dispose of all the marital property and by limiting the duration of her maintenance award to three years. On cross-appeal, Gregory Earl Stevens, argues that the trial court erred in its determination of the amount of monthly maintenance. We affirm the judgment in all respects.

Gregory and Sue Stevens were married in 1989. One minor child was born of the marriage. Gregory filed a petition to dissolve the marriage on May 13, 2005. After an evidentiary hearing at which both parties testified, Sue was granted sole custody of the minor child and a maintenance award of \$750.00 per month for three years. At issue in the direct appeal is the trial court's division of marital property. Specifically, the trial court assigned one four-wheeler vehicle to each party and a tractor and all other farm equipment to Gregory. Both parties appeal various aspects of the maintenance award. Additional facts will be developed as necessary.

Sue first argues that the trial court failed to dispose of all the marital property. Specifically, she argues that the trial court failed to dispose of three additional four-wheelers that the parties owned in addition to the two vehicles that were divided. However, we have not been directed by citation to the record of any evidence as to the existence of the additional four-wheelers. We will not scour the record in order to make this determination. *Phelps v. Louisville Water Co.*, 103 S.W.3d 46, 53, (Ky. 2003). Furthermore, Sue stated in her brief that she accepted the factual findings as set out in the judgment. The judgment makes no mention of any additional four-wheeler vehicles. Thus, there was no error.

Sue next argues that the trial court erred by assigning the tractor and all farm equipment<sup>2</sup> to Gregory without making a finding as to the value of these items. While Sue concedes that she did not present her own evidence regarding the value of the items, she, nevertheless, argues that the trial court should have properly ordered this equipment sold and directed that the proceeds be divided in just proportions. Sue cites no authority in support of this assertion. Trial courts are granted wide discretion in the division of marital property and its division need not be equal, but in “just proportions.” *Davis v. Davis*, 777 S.W.2d 230, 233 (Ky. 1989). Regarding the tractor, the trial court found that it had an initial purchase value of \$18,000.00 and that Gregory was solely indebted on it in the amount of \$3,700.00. Although the trial court had no evidence with which to value the other farm equipment, it noted that they would be more of value to Gregory since he would remain on his family's farm, which was the marital residence, and would have need of these items. Sue received all the personalty in her possession at the time of separation plus a 1996 Ford Mustang automobile, one four-wheeler, the three-piece living room suite, a television, the kitchen table and chairs, two end tables, the coffee table and lamp, three bedroom suites, the grill, and the computer. In light of the total division of marital property, we cannot conclude that the trial court abused its discretion by assigning the tractor and farm equipment to Gregory.

Finally, Sue argues that the trial court erred by limiting her maintenance award of \$750.00 per month to a duration of three years. On cross-appeal, Gregory argues that the monthly amount of maintenance was excessive.

<sup>2</sup> These items are not described with any particularity in the record and briefs.

“The decision to grant or deny a maintenance award lies within a trial court's sound discretion as it applies the governing factors of KRS 403.200 to the parties' circumstances upon dissolution of marriage.” *Leveridge v. Leveridge*, 997 S.W.2d 1, 2 (Ky. 1999). KRS 403.200(2)(a-f) lists the factors that the trial court may consider in awarding maintenance. *Id.* These factors include “the spouse's financial resources, the time necessary to acquire education or training to enable the spouse to find appropriate employment, the standard of living established during the marriage and the duration of the marriage.” *Id.*

The trial court noted that the parties had a sixteen-year marriage during which Sue worked primarily as a stay-at-home mother with intermittent periods of low-income employment. Sue argues that her lack of a high school education will prevent her from obtaining income to meet her reasonable needs after a three-year period. Despite her lack of education, the court found that Sue has demonstrated an ability to find and maintain employment in light of her past experience and young age (33 years). Additionally, the court found that Sue made little or no effort to secure employment or her high school equivalency certificate in the period following the parties' separation. We find that the trial court properly considered the KRS 403.200 factors in light of the evidence presented. There was no abuse of discretion in limiting the duration of maintenance.

Gregory argues on cross-appeal that the award of maintenance was excessive in light of the child support award and the trial court's findings as to Sue's

monthly expenses. These arguments are without merit. It is clear that the trial court considered the issue of child support in its award of maintenance. The court explicitly stated that Gregory had the ability to pay maintenance even after a deduction for child support. Gregory's gross monthly income was found to be \$4,333.00. Again, the court properly applied the KRS 403.200 factors in light of the parties' circumstances and did not abuse its discretion.

Accordingly, the judgment of the Carter Family Court is affirmed in its entirety.

ALL CONCUR.

BRIEF FOR APPELLANT/CROSS-  
APPELLEE:

W. Jeffrey Scott  
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BRIEF FOR APPELLEE/CROSS-  
APPELLANT:

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