

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Corbin Beamer,
Appellant-Respondent,

v.

Tara Beamer,
Appellee-Petitioner

March 17, 2021

Court of Appeals Case No.
20A-DC-1206

Appeal from the Carroll Circuit
Court

The Honorable Benjamin A.
Diener, Judge

Trial Court Cause No.
08C01-1811-DC-56

Crone, Judge.

Case Summary

- [1] Following the dissolution of his marriage to Tara Beamer (Wife), Corbin Beamer (Husband) appeals the trial court's order dividing the marital estate. Husband argues that the trial court erred in making him responsible for one of Wife's student loans and in dividing their retirement accounts and his pension. Finding no error, we affirm.

Facts and Procedural History

- [2] The relevant facts are undisputed. Husband and Wife were married in September 2013. Husband had owned the marital residence for seven or eight years before the marriage. Wife had her own residence, which she sold for a \$13,000 profit one month after the marriage, and she deposited the proceeds in a shared bank account. Both parties had full-time jobs and retirement accounts; Husband's account balance was approximately \$25,452, and Wife's was approximately \$8682. Husband also had a pension that vested in 2012 after five years of employment.
- [3] The parties agreed that Wife would quit her job and go to school full time so that she could "have a better job and have a career" in occupational therapy. Tr. Vol. 2 at 21. They also agreed to use student loans to pay for her education; both parties obtained a loan from Navient, and Wife obtained a loan from Sallie Mae. Wife started school in June 2014 and received her certification in April 2016. She began working full time as an occupational therapy assistant,

without benefits, at twice her old income, but her new income was still only half that of Husband's.

[4] Wife had a child in September 2016 and took ten weeks of parental leave. The parties separated in December 2016, and Wife moved out of the marital residence with their child. During the separation, Husband paid Wife's car loan and insurance, and he paid both student loans until January 2018, when Wife began paying the Sallie Mae loan. Wife also paid her own household expenses. On November 9, 2018, Wife filed a petition to dissolve the marriage.

[5] At the final hearing in January 2020, the parties entered a joint stipulation regarding child custody and support and parenting time; the parties have joint legal custody, and Wife has physical custody. The parties also presented evidence regarding marital assets and liabilities and submitted proposals for dividing the marital estate. The trial court issued a dissolution decree several days after the hearing. In April 2020, the court issued a "Property Settlement Order" that reads in pertinent part as follows:¹

6. Parties' marital pot consists of \$242,715.70 in assets and \$120,482.93 in obligations.

7. Parties' marital residence ... is worth \$91,000.00 with a mortgage having a balance of \$58,207.20.

8. Husband has a 401k retirement account through NRECA valued at \$72,276.11.

¹ We have replaced the trial court's references to "Father" and "Mother" with "Husband" and "Wife."

9. Wife has a retirement account through Voya valued at \$8,682.32.

....

28. Parties have a Navient Student Loan in the amount of \$18,592.57.

29. Parties have a Sallie Mae Student Loan in the amount of \$8,331.07.

30. As Parties divided their items of personal property, without Court intervention, the Court FINDS that the value of personal property retained by Husband and Wife, not otherwise addressed by this order, is equal in value.

31. Parties did not have a prenuptial agreement.

32. Parties did not cohabitate for some of their marriage.

33. Parties, while married, acquired assets and satisfied obligations however they deemed appropriate.

34. Neither Party dissipated marital assets.

35. Both Parties provided more than money to their marriage and child.

36. Parties leave the marriage with a child, job experience, education or skills that allow both Wife and Husband to adequately provide for themselves and their dependent child.

37. Since the time of filing, Husband has reduced the balances of many of the marital obligations, some of which have been subsequently assigned to Husband and some of which have been subsequently assigned to Wife.

....

42. The Court FINDS that, prior to Court intervention, Parties appropriately provided for their child.

43. The Court FINDS that Husband's and Wife's total contributions to their marriage and child were equal.

44. The Court FINDS that neither Party rebutted the presumption of equal division of the marital [e]state.

45. It is just and reasonable to equally divide the marital estate.

Appealed Order at 2-4.

[6] The trial court awarded Wife her retirement account, two bank accounts, and the Sallie Mae student loan debt. The court also awarded Wife one-half the value of Husband's pension as of November 9, 2018; no evidence of that value was presented at the hearing. The court awarded Husband the marital residence, an adjacent garage/shop, several vehicles, and the debt associated with those assets, his retirement account, several bank accounts, the Navient student loan debt, and the balance of his pension. The court ordered Husband to pay Wife \$40,557.38 "to equally distribute marital assets and debts, pursuant to [its] order." *Id.* at 5. Husband filed a motion to correct error, which was denied. Husband now appeals.

Discussion and Decision

- [7] Husband argues that the trial court erred in equally dividing the marital estate, specifically with respect to the student loans and the retirement accounts and pension. Indiana Code Section 31-15-7-4(a) provides that the trial court in a dissolution action “shall divide the property of the parties, whether: (1) owned by either spouse before the marriage; (2) acquired by either spouse in his or her own right: (A) after the marriage; and (B) before final separation of the parties; or (3) acquired by their joint efforts.” Marital property includes both assets and liabilities. *Smith v. Smith*, 938 N.E.2d 857, 860 (Ind. Ct. App. 2010). “Only property acquired by an individual spouse after the separation date is excluded from the marital estate.” *Thompson v. Thompson*, 811 N.E.2d 888, 912 (Ind. Ct. App. 2004), *trans. denied* (2005).
- [8] Indiana Code Section 31-15-7-4(b) provides that the court “shall divide the property in a just and reasonable manner[.]” The court may do so by dividing the property in kind; “setting the property or parts of the property over to one (1) of the spouses and requiring either spouse to pay an amount, either in gross or in installments, that is just and proper”; “ordering the sale of the property under such conditions as the court prescribes and dividing the proceeds of the sale”; or ordering the distribution of pension benefits “that are payable after the dissolution of marriage, by setting aside to either of the parties a percentage of those payments either by assignment or in kind at the time of receipt.” *Id.*

[9] “The court shall presume that an equal division of the marital property between the parties is just and reasonable.” Ind. Code § 31-15-7-5.

However, this presumption may be rebutted by a party who presents relevant evidence, including evidence concerning the following factors, that an equal division would not be just and reasonable:

(1) The contribution of each spouse to the acquisition of the property, regardless of whether the contribution was income producing.

(2) The extent to which the property was acquired by each spouse:

(A) before the marriage; or

(B) through inheritance or gift.

(3) The economic circumstances of each spouse at the time the disposition of the property is to become effective, including the desirability of awarding the family residence or the right to dwell in the family residence for such periods as the court considers just to the spouse having custody of any children.

(4) The conduct of the parties during the marriage as related to the disposition or dissipation of their property.

(5) The earnings or earning ability of the parties as related to:

(A) a final division of property; and

(B) a final determination of the property rights of the parties.

Id.

- [10] “The statutory factors are to be considered together in determining what is just and reasonable; any one factor is not entitled to special weight.” *In re Marriage of Lay*, 512 N.E.2d 1120, 1125 (Ind. Ct. App. 1987). “The party seeking to rebut the presumption of equal division bears the burden of proof of doing so, and a party challenging the trial court’s decision on appeal must overcome a strong presumption that the trial court acted correctly in applying the statute[.]” *In re Marriage of Marek*, 47 N.E.3d 1283, 1288 (Ind. Ct. App. 2016), *trans. denied*. The division of marital assets is a highly fact-sensitive task within the trial court’s sound discretion, and we will reverse only for an abuse of that discretion. *Id.* at 1287. “We will reverse a trial court’s division of marital property only if there is no rational basis for the award; that is, if the result is clearly against the logic and effect of the facts and circumstances, including the reasonable inferences to be drawn therefrom.” *Id.* “We will also reverse if the trial court has misinterpreted the law or disregarded evidence of factors listed in the controlling statute.” *Id.* “When we review a claim that the trial court improperly divided marital property, we consider only the evidence most favorable to the trial court’s disposition of the property without reweighing evidence or assessing witness credibility.” *Id.* at 1287-88. “Although the facts and reasonable inferences might allow for a conclusion different from that reached by the trial court, we will not substitute our judgment for that of the trial court.” *Id.* at 1288.

[11] Husband asserts that an equal division of the marital estate is not just and reasonable in this case because “[t]he parties were married for a short time[,] [he] brought more assets into the marriage, and [his] financial contributions far exceeded those of Wife, including contributions to Wife’s expenses after the parties separated and even after the petition for dissolution was filed.”

Appellant’s Br. at 13. Husband also complains that Wife’s “earning capacity doubled by incurring massive student loan debt that [he] has been forced to pay.” *Id.*

[12] Husband’s argument ignores that both he and Wife agreed to take out loans so that she could go to school full time to boost her income, which in turn has reduced Husband’s child support obligation and will provide a better life for their young child. It also disregards that the trial court ordered Wife to pay one of the loans, and that even with her enhanced credentials, her income is only half that of Husband’s.² Husband brought the marital residence into the marriage, but Wife had her own residence, which she sold, and she deposited the proceeds from the sale in a shared account.³ Husband worked and paid the household expenses while Wife was in school, but again, this was the result of a

² Consequently, we are unpersuaded by Husband’s reliance on *Love v. Love*, 10 N.E.3d 1005 (Ind. Ct. App. 2014), and *Roberts v. Roberts*, 670 N.E.2d 72 (Ind. Ct. App. 1996), *trans. denied* (1997); in both cases, the spouse who incurred the student loan debt earned substantially more than the other spouse after graduation.

³ Except for the short duration of the parties’ marriage, the facts of this case are markedly dissimilar from those in *Dahlin v. Dahlin*, 397 N.E.2d 606 (Ind. Ct. App. 1979), on which Husband relies in arguing for an unequal division of the marital estate in his favor. In that case, the parties had no children, the wife brought limited assets to the marriage and did not work full time, and the husband (who was thirteen years older than the wife) was nearing retirement on a limited pension.

joint decision by the parties. He also paid some of Wife's expenses during the separation, but he was making twice as much money as Wife, and Wife ultimately shouldered the responsibility for one of her student loans.

[13] As for the retirement accounts and pension, Husband argues that the trial court should have apportioned them via a coverture fraction formula, and he cites several cases in which that formula was used.⁴ But simply because that formula was used in other cases does not mean that the trial court abused its discretion by not using it in this case. Husband presented no evidence regarding the value of his pension, so we have no way of determining the effect that the application of a coverture fraction formula might have on the marital estate. *Cf. In re Marriage of Coyle*, 671 N.E.2d 938, 945 (Ind. Ct. App. 1996) (“The burden of producing evidence as to the value of the assets rests upon the parties to the dissolution proceeding.”). And Husband has failed to perform a coverture fraction calculation with respect to the parties’ retirement accounts, so we are left to guess at that outcome as well. “It is a cardinal rule of appellate review that the appellant bears the burden of showing reversible error by the record, as

⁴ “The ‘coverture fraction’ formula is one method a trial court may use to distribute pension or retirement plan benefits to the earning and non-earning spouses.” *Barton v. Barton*, 47 N.E.3d 368, 379 (Ind. Ct. App. 2015) (quoting *In re Marriage of Fisher*, 24 N.E.3d 429, 433 (Ind. Ct. App. 2014)), *trans. denied* (2016). “Under this methodology, the value of the retirement plan is multiplied by a fraction, the numerator of which is the period of time during which the marriage existed (while pension rights were accruing) and the denominator is the total period of time during which pension rights accrued.” *Id.* (quoting *Marriage of Fisher*, 24 N.E.3d at 433). “In other words, the coverture fraction formula is applied to determine what portion of a retirement asset is subject to division.” *Id.* at 380.

all presumptions are in favor of the trial court's judgment.” *Marion-Adams Sch. Corp. v. Boone*, 840 N.E.2d 462, 468 (Ind. Ct. App. 2006).

[14] In sum, Husband has failed to establish that the trial court abused its discretion in concluding that an equal division of the marital estate is just and reasonable and in dividing it accordingly. Therefore, we affirm.

[15] Affirmed.

Najam, J., and Riley, J., concur.