

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

TIMOTHY CARTER,	:	APPEAL NO. C-240337
Plaintiff-Appellee,	:	TRIAL NO. DR-2000986
vs.	:	
SHIRDETTE CARTER,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Defendant-appellant Shirdette Carter appeals from the amended divorce decree entered by the trial court, upon remand from this court, in her divorce case against plaintiff-appellee Timothy Carter.

This is Shirdette’s second appeal in the parties’ divorce action. After the trial court issued a divorce decree to Timothy and Shirdette in May of 2023, Shirdette appealed, challenging various parts of the court’s decision. This court affirmed the trial court’s decision in part and reversed it in part in *Carter v. Carter* (“*Carter I*”), 2024-Ohio-1046 (1st Dist.). As relevant to this appeal, we held that the trial court abused its discretion in ordering Shirdette to pay \$2,085.66 per month for five years in spousal support without providing any explanation as to how it arrived at that figure or why, when ruling on objections to the magistrate’s decision, it had rejected the magistrate’s spousal-support award of \$500 per month for a three-year period. *Id.* at ¶ 35-36. We

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remanded for the trial court “to indicate the basis for its spousal-support award, in accordance with the applicable law.” *Id.* at ¶ 36.

On remand, the trial court issued an entry in compliance with our instructions in *Carter I*, as well as an amended divorce decree incorporating the findings that it had made in the remand entry. In the amended divorce decree, the trial court again ordered Shirdette to pay spousal support to Timothy in the amount of \$2,085.66 per month for five years. The court stated that it had incorporated the spousal-support findings made by the magistrate in its decision, with the exception of modifications to the magistrate’s analysis of the spousal support factors in R.C. 3105.18(C)(1)(a), (b), (c), and (i). The court then explained why it modified the magistrate’s findings under the specified factors. The amended decree also stated that the trial court retained jurisdiction over the amount and duration of spousal support, and that the amount of support may be modified if necessary to achieve equity after a change of circumstances.

Shirdette appeals from the amended divorce decree, arguing in a single assignment of error that the trial court erred and abused its discretion in ordering her to pay spousal support in the amount of \$2,085.66 per month for five years because the award was unsupported and not properly explained to allow for proper review.

As we explained in *Carter I*, a trial court’s award of spousal support is reviewed for an abuse of discretion. *Carter I*, 2024-Ohio-1046, at ¶ 30 (1st Dist.). The trial court is permitted to award spousal support in an amount that is “appropriate and reasonable.” *Id.*, quoting *Reddy v. Reddy*, 2015-Ohio-3368, ¶ 23 (1st Dist.). When determining an appropriate amount of spousal support to award, the trial court must consider the factors set forth in R.C. 3105.18(C)(1). *Id.* An award of spousal support must be stated in sufficient detail for a reviewing court to ascertain (1) that the trial

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court considered the factors set forth in R.C. 3105.18(C)(1), (2) that the amount of spousal support awarded is both fair and equitable, and (3) that the award is in accordance with the law. *See id.* at ¶ 34.

The trial court's award of spousal support complied with these requirements. The magistrate's decision contained an analysis of the R.C. 3105.18(C)(1) factors, and the amended divorce decree stated that the trial court adopted and incorporated that analysis, with modifications to the magistrate's findings made under R.C. 3105.18(C)(1)(a), (b), (c), and (i). With respect to the factors in R.C. 3105.18(C)(1)(a) and (b), which address the income of the parties from all sources and the relative earning ability of the parties, the trial court found that there was insufficient evidence in the record to support the magistrate's conclusion that Timothy could "earn a good living in other disciplines." The court noted that Timothy worked for many years as a heavy equipment operator for a union, but that he was currently unable to perform his previous duties because of pain medication that he was taking for a longstanding back injury. The court acknowledged that Timothy had brought in some income performing various odd jobs and that he was good with mechanics, but it found that "there was no evidence in the record of any other jobs for which Timothy is qualified." The court also noted the discrepancy of the parties' average income from 2019-2021, stating that Timothy's average income during that period was \$40,126, and that Shirdette's average income was \$116,088.57. It also found that due to Timothy's deteriorating physical condition, he was likely unable to earn more than his three-year average income.

Relatedly, the trial court found that the record lacked evidence to support the magistrate's finding under R.C. 3105.18(C)(1)(c) that Timothy could earn the same amount of money in a different field. This factor addressed the ages and the physical,

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mental, and emotional conditions of the parties. In support of this finding, the court noted that no vocational evaluation had been performed on Timothy and that neither party offered testimony indicating that Timothy had an ability to earn a similar amount of money in a different field. Last, with respect to R.C. 3105.18(C)(1)(i), which required consideration of the relative assets and liabilities of the parties, the trial court found that although Shirdette had a substantial student-loan debt, she only paid \$50 per month towards that debt. As such, the court stated, it did not accord this factor much weight. The trial court did not counter or disagree with the magistrate's additional finding under this factor that the parties were encumbered with significant consumer debt, of which, we note, only part was the student-loan debt.

Collectively, the trial court's findings under R.C. 3105.18(C)(1) recognized the great disparity in the earnings of the parties from 2019-2021; that Timothy was unable to perform the type of work that he had historically engaged in; the lack of evidence that Timothy could earn a similar salary in a different field; and the fact that, due to his lack of training in another field and the effect of the medication that he takes, Timothy's employment options were limited. The findings also established that the parties had been married approximately 16 years at the time of separation and had a high standard of living, and that, for a period of their marriage, Timothy had earned the bulk of the parties' income while Shirdette was in school. The findings also acknowledged the substantial debt encumbering the parties, and that Shirdette paid a minimal amount towards the student-loan portion of her debt.

Following our review of the record, we hold that the trial court's award of spousal support was both fair and equitable and in accordance with the law. *Carter I*, 2024-Ohio-1046, at ¶ 34 (1st Dist.). While it would have been helpful if the trial court had precisely explained how it arrived at the very specific monthly amount of

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\$2,085.66, the trial court adequately explained why it modified the magistrate’s award of spousal support and provided sufficient explanation of its award to allow for proper appellate review. *See Pearson v. Pearson*, 2022-Ohio-642, ¶ 15 (6th Dist.) (“While it may have been preferable for the court to have provided more information concerning how it specifically determined the amount of spousal support it awarded, we find that it explained in adequate detail its rationale for awarding spousal support based upon the factors enumerated in the statute.”).

Shirdette argues that the trial court failed to properly consider and weigh the parties’ marital debt when determining spousal support, but we are not persuaded. The trial court modified the magistrate’s finding under R.C. 3105.18(C)(1) by noting that Shirdette only paid \$50.00 per month towards her student-loan debt. The court did not discount Shirdette’s responsibility for this debt, but instead found that it had little financial impact on her given the amount of her monthly payment. Further, while the trial court modified the portion of the magistrate’s finding under this factor relating to the student-loan debt, it did not reject or disagree with the magistrate’s finding that the parties’ were encumbered with significant consumer debt, of which the student loans were only part. On this record, we cannot say that the trial court failed to consider the parties’ debts.

We hold that the trial court did not abuse its discretion in awarding spousal support. Shirdette’s assignment of error is overruled, and the judgment of the trial court is affirmed.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

CROUSE, P.J., NESTOR and MOORE, JJ.

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To the clerk:

Enter upon the journal of the court on 3/19/2025 per order of the court.

By: _____
Administrative Judge