

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

DIANA L. WILLIG,	:	APPEAL NO. C-150722
Plaintiff-Appellee,	:	TRIAL NO. DR1401005
vs.	:	<i>JUDGMENT ENTRY.</i>
HENRY P. WILLIG,	:	
Defendant-Appellant,	:	
and	:	
GREYSTONE COUNTRY HOMES,	:	
INC., et al.,	:	
Defendants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Henry Willig has appealed from the trial court's entry granting a decree of divorce to Henry and his former wife, plaintiff-appellee Diana Willig.

In his first assignment of error, Henry argues that the trial court abused its discretion in awarding Diana 62 percent of the parties' marital property without making any findings to justify the unequal division of property. We disagree with

Henry's assertion that the trial court divided the property unequally. The trial court initially awarded a larger percentage of the marital property to Diana than Henry. But the court then ordered Diana to pay Henry a recapitulation payment of \$119,102.50 to equalize the division of assets. The court ultimately determined that Diana was owed a lump-sum spousal-support payment equal to this amount, and, consequently, that Diana need not pay Henry the recapitulation payment, but that did not render the property division unequal or inequitable. Following our review of the record, we find that the trial court did not abuse its discretion in dividing the parties' marital property. *See Cherry v. Cherry*, 66 Ohio St.2d 348, 421 N.E.2d 1293 (1981), paragraph two of the syllabus. The first assignment of error is overruled.

In his second assignment of error, Henry argues that the trial court abused its discretion by issuing sanctions against him that were in contravention of Civ.R. 37(B). Specifically, he contends that it was an abuse of discretion for the trial court to sanction him for discovery violations by accepting the valuations offered by Diana for Class 3 weapons that had been sold to pay for a down payment that the parties had made on a lake house owned by Henry's mother, for personal property that the parties kept at the lake house, and for various vehicles owned by the parties.

In its final entry that was incorporated into the decree of divorce, the trial court found that Henry had failed to produce certain gold coins and firearms for Diana to appraise, and it indicated that, as a result, it would accept Diana's valuation of these items whenever possible. However, only once in the entry did the trial court indicate that it had accepted a valuation offered by Diana as a discovery sanction, and that was with respect to the Class 3 weapons that had been sold to pay for a down payment on the lake house. The trial court's valuation of the parties' vehicles and property at the lake house was not issued as a sanction against Henry, and was

supported by competent and credible evidence. *See Zerbe v. Zerbe*, 1st Dist. Hamilton Nos. C-040035 and C-040036, 2005-Ohio-1180, ¶ 42. And the trial court did not abuse its discretion in accepting Diana's valuation for the Class 3 weapons because Henry had offered no valuation for the weapons and Diana's valuation was the only one in evidence. *See Lyons v. Kindell*, 2015-Ohio-1709, 35 N.E.3d 7, ¶ 23 (1st Dist.). The second assignment of error is overruled.

In his third assignment of error, Henry argues that the trial court abused its discretion in determining that Diana was entitled to spousal support and in determining the amount of the spousal-support award. The record indicates that the trial court thoroughly considered the relevant factors in R.C. 3105.18 and did not abuse its discretion in awarding spousal support. *See Metz v. Metz*, 1st Dist. Hamilton No. C-050463, 2007-Ohio-549, ¶ 41. The third assignment of error is overruled, and the judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HENDON, P.J., MOCK and STAUTBERG, JJ.**

To the clerk:

Enter upon the journal of the court on August 12, 2016  
per order of the court \_\_\_\_\_.  
Presiding Judge