

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

CHRISTOPHER DOWNING HLADIK,	:	APPEAL NO. C-140005
	:	TRIAL NO. DR1201502
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ANNE JENNIFER HLADIK,	:	
Defendant-Appellee.	:	

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.

Plaintiff-appellant Christopher Hladik has appealed from the trial court's entry granting a decree of divorce to Christopher and his former wife, defendant-appellee Anne Hladik.

Christopher filed for divorce against Anne in July of 2012. A property trial was conducted before a magistrate in the Hamilton County Court of Domestic Relations. The magistrate issued a decision, with findings of fact and conclusions of law, dividing the parties' property and debt. As relevant to this appeal, the magistrate found that Christopher was responsible for one half of the amount of Anne's student-loan debt that had been used on household expenses. After setting off money owed from Anne to Christopher for other reasons, the magistrate determined that Christopher was required to pay Anne \$20,788.52 for his share of her student-loan debt within 30 days. The magistrate further declined to award Christopher spousal support.

Christopher filed objections to the magistrate's decision. He specifically objected to the magistrate's determination that he had to repay the money he owed to Anne within 30 days. He further objected to the magistrate's determination that Anne was not

required to pay him spousal support. The trial court sustained Christopher's first objection concerning the time in which he must repay monies owed to Anne. It held that Christopher could pay Anne \$1,000 a month until the debt was paid off. This provided Christopher approximately 21 months to pay off his debt. The trial court overruled Christopher's objection concerning the magistrate's failure to award spousal support.

In one assignment of error, Christopher argues that the trial court erred in granting the decree of divorce as to the division of marital property and spousal support. In this assignment of error, he raises five separate arguments for our consideration. But Christopher failed to raise three of these arguments in his objections to the magistrate's decision. Pursuant to Civ.R. 53(D)(3)(b)(iv), "[e]xcept for a claim of plain error, a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion * * * unless the party has objected to that finding or conclusion."

Christopher argues to this court that the trial court failed to address the R.C. 3105.171(F) factors when allocating the parties' marital debt, specifically Anne's student-loan debt; that the trial court abused its discretion by making an inequitable allocation of this same marital debt; and that the trial court erred by failing to retain jurisdiction to modify spousal support. Because Christopher failed to object to the magistrate's decision on these grounds, we review only for plain error. Plain error is a concept rarely applied in civil cases. *See HSBC Bank USA, Natl. Assocs. v. Sherman*, 1st Dist. Hamilton No. C-120302, 2013-Ohio-4220, ¶ 22. It should only be found where an error "seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself." *See Goldfuss v. Davidson*, 79 Ohio St.3d 116, 679 N.E.2d 1099 (1997), syllabus. The record in this case reveals no plain error in the magistrate's allocation of the parties' marital debt or in the magistrate's failure to retain jurisdiction to modify spousal support, and we find these arguments to be meritless.

Christopher further argues in his assignment of error that the trial court erred in setting an inequitable and unfair time limit on his repayment of his share of the marital debt. We find no abuse of discretion in the trial court's determination that Christopher must pay off the debt \$1,000 a month over a roughly 21-month period. *See Blakemore v. Blakemore*, 5 Ohio St.3d 217, 218, 450 N.E.2d 1140 (1983). *See also Dunn v. Dunn*, 1st Dist. Hamilton Nos. C-010282 and C-010292, 2002-Ohio-6247, ¶ 12. In allowing Christopher additional time to pay off his share of the marital debt, the trial court found that Christopher should be allowed to pay off his share of the debt over a period of time similar to the period during which it was incurred, which was approximately two years. The trial court's reasoning was in no manner arbitrary, unreasonable, or unconscionable. It balanced Anne's interest in terminating all aspects of the parties' relationship with Christopher's interest in paying off the debt over a longer period of time than the original 30 days that had been imposed by the magistrate. This portion of Christopher's assignment of error is without merit.

We lastly consider Christopher's argument that the trial court abused its discretion in failing to award him spousal support. When determining whether an award of spousal support is appropriate, courts are guided by a list of factors in R.C. 3105.18(C). Here, the magistrate considered all the R.C. 3105.18 factors relevant to an award of spousal support and the testimony offered with respect to each factor. After weighing the factors, the magistrate determined that an award of spousal support was not appropriate. In overruling Christopher's objection to the magistrate's decision, the trial court found that the magistrate's determination that Christopher was not entitled to spousal support was supported by competent and credible evidence.

Christopher contends that the magistrate and the trial court should have given greater weight to the large disparity in the parties' income, and that such income disparity warranted an award of spousal support. We are not persuaded. In upholding the magistrate's denial of spousal support, the trial court noted that Christopher had failed to

present evidence concerning a number of the required R.C. 3105.18 factors. The court specifically found that Christopher had failed to provide any evidence documenting his medical conditions and alleged disabilities; had failed to present evidence demonstrating that his career had been derailed when he moved across the country for Anne to complete her schooling; and had failed to present evidence that he could not have finished his education in either Texas or Cincinnati with the funds available to him under the GI bill. And although Christopher contended that Anne would have an annual salary of approximately \$100,000, the trial court determined that the magistrate could have disregarded this testimony as speculative.

Both the trial court and the magistrate conducted a methodical inquiry regarding spousal support and issued thorough and well-reasoned decisions. The trial court's denial of an award of spousal support was in no manner arbitrary, unreasonable or unconscionable and was not an abuse of discretion. *See Metz v. Metz*, 1st Dist. Hamilton No. C-050463, 2007-Ohio-549, ¶ 34.

Having found no merit to the arguments raised by Christopher, we accordingly overrule his assignment of error and affirm the trial court's judgment.

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

CUNNINGHAM, P.J., HILDEBRANDT and HENDON, JJ.

To the clerk:

Enter upon the journal of the court on August 22, 2014

per order of the court _____.

Presiding Judge