

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

CYNTHIA PARRAVANI

C.A. No. 25224

Appellant

v.

DAVID PARRAVANI

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. 2008-09-2807

Appellee

DECISION AND JOURNAL ENTRY

Dated: August 18, 2010

WHITMORE, Judge.

{¶1} Plaintiff-Appellant, Cynthia Parravani (“Wife”), appeals from an order of the Summit County Court of Common Pleas, Domestic Relations Division. This Court dismisses the appeal.

I

{¶2} Wife and Defendant-Appellant, David Parravani (“Husband”), married on October 9, 1971 and had three children during their marriage. Wife cared for the couple’s three children and her parents during the course of the marriage while Husband worked full-time outside of the home. Husband eventually left the marital residence and purchased a condominium. On September 15, 2008, Wife filed a complaint for divorce without minor children. Husband filed a counterclaim for divorce, and the matter proceeded to a final hearing on November 19, 2009. On January 26, 2010, the trial court issued a judgment entry, granting a divorce.

{¶3} Wife now appeals from the trial court’s judgment entry and raises four assignments of error for our review. We consolidate the assignments of error.

II

Assignment of Error Number One

“THE TRIAL COURT’S FINDING THAT HUSBAND’S INCOME WAS ‘AT LEAST \$60,000’ SUBSTANTIALLY UNDERSTATED THE HUSBAND’S INCOME TO THE PREJUDICE OF THE WIFE.”

Assignment of Error Number Two

“THE TRIAL COURT COMMITTED AN ABUSE OF DISCRETION IN AWARDING SPOUSAL SUPPORT OF ONLY \$1,600 PER MONTH AND IN LIMITING THE DURATION TO 13 YEARS.”

Assignment of Error Number Three

“THE TRIAL COURT ERRED IN MAKING AN UNEQUAL AND INEQUITABLE DIVISION OF PROPERTY WITHOUT SUPPORTING FINDINGS.”

Assignment of Error Number Four

“THE TRIAL COURT ABUSED ITS DISCRETION IN ITS DIVISION OF MARITAL DEBT AND IN FAILING TO MAKE FINDINGS SUFFICIENT TO INFORM THE PARTIES OF THEIR RESPECTIVE OBLIGATIONS.”

{¶4} In her assignments of error, Wife challenges the amount of income the trial court attributed to Husband, the amount and duration of spousal support the court awarded her, and the lack of specificity in the court’s order in light of the allegedly inequitable distribution it ordered. This Court cannot reach the merits of Wife’s assignments of error, as she has not appealed from a final, appealable order.

“The Ohio Constitution limits an appellate court’s jurisdiction to the review of final judgments of lower courts. *** For a judgment to be final and appealable, the requirements of R.C. 2505.02 and Civ.R. 54(B), if applicable, must be satisfied. This Court has repeatedly found, most notably in *Harkai [v. Scherba Industries, Inc.]* (2000), 136 Ohio App.3d [211,] 216, that in order to constitute a final appealable order the content of the judgment must be definite enough to be susceptible to further enforcement and provide sufficient information to enable

the parties to understand the outcome of the case. If the judgment fails to speak to an area which was disputed, uses ambiguous or confusing language, or is otherwise indefinite, the parties and subsequent courts will be unable to determine how the parties' rights and obligations were fixed by the trial court. A divorce decree, which leaves issues unresolved, is not a final order." (Internal citations, quotations, and alterations omitted.) *Baker v. Baker*, 9th Dist. No. 09CA009603, 2009-Ohio-6906, at ¶5-6.

"In the absence of a final, appealable order, this Court must dismiss the appeal for lack of subject matter jurisdiction." *Helmstedter v. Helmstedter*, 9th Dist. No. 24237, 2009-Ohio-3559, at ¶9.

{¶5} "In divorce proceedings, the court shall *** determine what constitutes marital property and what constitutes separate property." R.C. 3105.171(B). See, also, Civ.R. 75(F) (providing requirements for the entry of a final judgment in a divorce proceeding). The court's division of property order must include "written findings of fact that support the determination that the marital property has been equitably divided and shall specify the dates it used in determining the meaning of 'during the marriage.'" R.C. 3105.171(G). The phrase "during the marriage" can mean either the time period from the start date of the marriage until the date of the final divorce hearing or some other time period that the court deems equitable. R.C. 3105.171(A)(2). "[V]alues associated with the marital assets and liabilities must be stated in sufficient detail to allow meaningful appellate review." *Keith v. Keith*, 9th Dist. No. 09CA009657, 2010-Ohio-1085, at ¶7.

{¶6} Based on the judgment entry of divorce entered in this matter, this Court cannot "determine how the parties' rights and obligations were fixed by the trial court." *Baker* at ¶5. The parties were married in 1971. The court referred to the parties as having a "marriage of 38 years." Presumably, the court divided the parties' property based on a marriage period starting on the date of their marriage and ending on the date of the final divorce hearing, but the trial court did not specify the dates that it used. See R.C. 3105.171(G). Husband indicated that he

left the marital residence in January 2003, some five years before Wife actually filed for divorce, and accrued certain property after 2003. Thus, the term of the marriage would be a critical factor in the division of the parties' property.

{¶7} Additionally, the parties' respective incomes and debt obligations are unclear.

With respect to the parties' incomes, the trial court stated the following:

“Considering this is a marriage of 38 years, that Wife has no training beyond high school, never earned more that (sic) \$7,500 in any year since 1982, and that Wife was the primary caretaker of the three children, and considering the necessary living expenses of the Wife, along with Husband's income of at least \$60,000 annually and considering his ability to pay, plus all other factors enumerated in O.R.C. Section 3105.18, it is further ORDERED, ADJUDGED, and DECREED that Husband shall pay, as spousal support, the sum of Sixteen Hundred Dollars (\$1,600) a month for one hundred fifty six months (156) or until Wife shall remarry or die.”

This Court cannot say whether the trial court assigned any income to Wife. Although the court referenced Wife earning \$7,500 at some point, it is unclear whether the court meant that Wife currently earns \$7,500, earns something less than \$7,500, or does not earn any money. Moreover, the court assigned “at least \$60,000 annually” to Husband. This language is problematic because later in the decree the trial court ordered that “[d]ebts of the marriage should be divided in proportion to the parties' income.” To determine Husband's portion of the debt, one would need to know his exact income. Further, for Wife to be assigned a division of the debt “in proportion to the parties' income” she also would have to be assigned an exact income. Without such findings, one cannot determine the rights and liabilities of each party.

{¶8} The trial court's judgment entry also does not set forth the “values associated with the marital assets and liabilities *** in sufficient detail.” *Keith* at ¶7. The court essentially ordered that the parties pay their own debts (i.e., those debts in their own names) and pay a portion of any marital debts. It did not set forth orders as to specific debts even though the

parties agreed at the hearing that certain debt, such as the second mortgage on Husband's condominium, was marital. Rather, it ordered that "[d]ebts of the marriage" be divided. The court left the parties to discern what debts constitute "[d]ebts of the marriage," complicated by the fact that the court did not issue a finding as to the dates of the marriage. The court also left the parties unable to determine the portions of the marital debts for which they are responsible because it divided the unspecified debts in proportion to the incomes that it did not specifically set out.

{¶9} Finally, although it ordered Husband to pay additional spousal support "until [his] arrearage is paid in full," the trial court did not indicate the amount of the arrearage. This is especially troublesome because Husband admitted at the hearing that he had deducted various items from his spousal support payments to Wife during the divorce proceeding, despite the fact that the deductions might have violated the temporary orders the court had put into place. In short, the trial court's judgment entry is far too broad to be helpful in terms of practical application.

{¶10} Based on our review, the trial court's judgment entry leaves issues unresolved and does not set forth the rights and obligations of the parties in sufficient detail. See *Baker* at ¶5-6. Accordingly, it is not a final, appealable order, and this Court cannot reach the merits of Wife's appeal.

III

{¶11} This Court lacks jurisdiction to consider Wife's assignments of error as she has not appealed from a final, appealable order. As such, the appeal is dismissed.

Appeal dismissed.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

BETH WHITMORE
FOR THE COURT

MOORE, J.
CONCURS IN JUDGMENT ONLY

DICKINSON, P. J.
CONCURS, SAYING:

{¶12} Because of the deficiencies noted in the lead opinion, the trial court’s “Judgment Entry” is not a “final order, judgment, or decree” as those terms are used in Section 2505.03 of the Ohio Revised Code. Accordingly, I concur in the dismissal of Ms. Parravani’s attempted appeal.

APPEARANCES:

SHARYL W. GINTHER and KENNETH L. GIBSON, Attorneys at Law, for Appellant.

WILLIAM LOVE II, Attorney at Law, for Appellee.