

IN THE COURT OF APPEALS

<p><b>FILED</b></p> <p><b>March 19, 1996</b></p> <p><b>Cecil Crowson, Jr.</b> Appellate Court Clerk</p>
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MELANIE ELAINE KELLEY,

Plaintiff - Appellee

vs.

STEPHEN LEON KELLEY,

Defendant - Appellant

) HAMILTON CHANCERY  
) C. A. NO. 03A01-9509-CH-00330

) HON. HOWELL N. PEOPLES  
) CHANCELLOR

) AFFIRMED AND REMANDED

DON W POOLE, Poole, Lawrence, Thornbury, Stanley & Mrgan,  
Chattanooga, for Appellant.

DAVID HAINES ROTROFF, Chattanooga, for Appellee.

MEMORANDUM OPINION

McMurray, J.

This appeal springs from a judgment in a divorce action which was entered in the Chancery Court for Hamilton County. The

appellant challenges only that part of the trial court's judgment making a division of marital property. We affirm the judgment of the trial court.

The appellant's only complaint on this appeal is that the trial court awarded to him a judgment in the amount of \$30,000.00. He feels that in light of the proof at the trial he is entitled to a judgment for \$67,000.00. Notwithstanding the appellants limited appeal, however, he relates much detail in his brief concerning the grounds for divorce. We will respond only to the specific issue raised on this appeal.

It is well-settled law that the division of property does not require an equal division but an equitable one. Such is the case here. It is apparent from the record that the appellee made the greater contribution to the marriage. The chancellor recognized that her contribution was much larger. In his decision announced from the bench he stated: "The defendant is not receiving exactly an equal division of assets and liabilities, but his contributions to the marriage were not equal."

The parties were married November 21, 1992, and the divorce action was filed on October 10, 1994. We agree with the chancellor that a division of marital property should be, to a large extent,

measured by the respective contributions to the marriage by the parties when a marriage is of such short duration.

We are of the opinion that this is a proper case for disposition under the provisions of Rule 10, Rules of this court.<sup>1</sup> We find that a formal opinion would have no precedential value and further we concur in the facts as found by the trial court. No reversible error of law appears.

The judgment of the trial court is affirmed in accordance with Court of Appeals Rule 10, Rules of this court. Costs are taxed to the appellant and this case is remanded to the trial court for the collection thereof.

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Don T. McMurray, J.

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<sup>1</sup>Rule 10. Affirmative without opinion - Memorandum opinion.  
(a) Affirmance Without Opinion. The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

- (1) the Court concurs in the facts as found or as found by necessary implication by the trial court.
- (2) there is material evidence to support the verdict of the jury.
- (3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a)."

(b) Memorandum Opinion. The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case. [As amended by order filed April 22, 1992.]

CONCUR:

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Houston M Goddard, Presiding Judge

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Charles D. Susano, Jr., J.

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	)	C. A. NO. 03A01-9509-CH-00330
	)	
Plaintiff - Appellee	)	
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vs.	)	HON. HOWELL N. PEOPLES
	)	CHANCELLOR
	)	
	)	
	)	
	)	
	)	
STEPHEN LEON KELLEY,	)	AFFIRMED AND REMANDED
	)	
Defendant - Appellant	)	

**ORDER**

This appeal came on to be heard upon the record from the Chancery Court of Hamilton County, briefs and argument of counsel. Upon consideration thereof, this Court is of opinion that there was no reversible error in the trial court.

The judgment of the trial court is affirmed in accordance with Court of Appeals Rule 10 paragraphs (a) and (b) Rules of this court. Costs are taxed to the appellant and this case is remanded to the trial court for the collection thereof.

PER CURI AM