

Circuit Court for Montgomery County  
Case No. C-15-FM-21-001299

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 439

September Term, 2025

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APOLINAIRE Z. TRA

v.

CARMELLE T. NORICE-TRA

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Graeff,  
Berger,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: January 26, 2026

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Apolinaire Z. Tra, appellant, appeals from an order issued by the Circuit Court for Montgomery County, denying his request for a marital property award following his divorce from Carmelle T. Norice-Tra, appellee. On appeal, appellant contends that the court erred in failing to find that certain assets were marital property, and that appellee's testimony regarding their marriage was “not the truth.” For the reasons that follow, we shall affirm.

In December 2021, appellee sought a divorce from appellant. Appellant counterclaimed seeking, among other things, a marital property award. Ahead of trial, the parties filed separate Statements of Marital and Non-Marital Property, which were largely similar but did not strictly comply with Maryland Rule 9-207. During a two-day bench trial, neither party introduced their Rule 9-207 statement into evidence, nor testified about the property listed therein. The court ultimately granted appellee an absolute divorce but denied appellant's request for a marital property award, finding that there was “no evidence, other than the stipulation as to what's not marital, their real estate, there was no evidence of other marital property.”

Appellant appealed, identifying several items that he contended were marital property and claiming that the court erred in not considering them for the purpose of deciding whether to issue a monetary award. On appeal, we held that the parties' Rule 9-207 statements constituted judicial admissions and should have been considered by the court as evidence even though they were not formally introduced at trial, and the parties had not filed a joint statement of marital property. *Tra v. Norice-Tra*, No. 1935, Sept. Term 2023 (filed Nov. 4, 2024). We further noted that “the parties' Statements suggest that they

were in almost total agreement concerning both what items were marital property and the valuation of those items” and that “each item listed in [appellant’s] brief is identified in [appellee’s] Statement as marital property.” *Id.* Therefore, this Court vacated the judgment with respect to the monetary award and remanded the case to the circuit court to perform a full monetary-award analysis.

On remand, the court held a hearing on the issue of whether appellant was entitled to a marital property award. Following that hearing, the court issued an order finding that the following asserts were marital property: (1) real property located at 14421 Cannock Chase, valued at \$550,000; (2) a Merck Savings Plan, valued at \$79,868.80; (3) a Merck Supplemental Savings Plan, valued at \$1,386.24; (4) a National Institute of Health (NIH) Thrift Savings Plan account, valued at \$61,619; and (5) a NIH Federal Employees’ Retirement account, valued at \$11,403.61. All marital property was titled in appellee’s name. The court then discussed the statutory factors set forth in Section 8-205 of the Family Law (FL) Article to determine whether a monetary award or property transfer was necessary to adjust the equities. After doing so, the court “decline[d] to enter a judgment to ‘adjust’ the equities[,]” finding that: (1) the “equitable division of assets is accomplished by simply leaving the property with the titled owner[,]” and (2) it would “NOT award any judgment and [] NOT divide [appellee’s] pension.” In so deciding, the court noted that although “no one factor controlled[,]” the “most important factor was [appellant’s] behavior during the marriage.” This appeal followed.

When a divorcing party seeks a monetary award, the court undertakes a three-step analysis: (1) the court decides whether property is marital, FL § 8-203(a); (2) values the

marital property, FL § 8-204(a); then (3) divides the property equitably, including a monetary award if appropriate, FL § 8-205. *See Sims v. Sims*, 266 Md. App. 337, 353-54 (2025). The court’s determination of whether an asset is marital or non-marital property is a question of fact, which we review under the clearly erroneous standard. *Wasyluszko v. Wasyluszko*, 250 Md. App. 263, 269 (2021). We review the trial court’s ultimate decision to grant a monetary award and the amount of the award under the abuse of discretion standard. *Id.* Under the abuse of discretion standard, ““we may not substitute our judgment for that of the fact finder, even if we might have reached a different result.”” *Flanagan v. Flanagan*, 181 Md. App. 492, 521-22 (2008) (quoting *Innerbichler v. Innerbichler*, 132 Md. App. 207, 230 (2000)). However, even under that deferential standard, ““a trial court must exercise its discretion in accordance with correct legal standards.”” *Id.* (quoting *Alston v. Alston*, 331 Md. 496, 504 (1993)).

On appeal, appellant asserts that 14421 Cannock Chase “is a marital property”; the “Merck saving[s] plan and Merck supplemental are marital properties”; and the “NIH TSP [account]” “is a marital property[.]” But, in its order, the court agreed with appellant that each of these assets was marital property. Thus, appellant has failed to establish that the court committed any error as to its marital property determinations.

Appellant does not otherwise assert that, in determining the equities, the court failed to consider any of the relevant statutory factors, or that it abused its discretion in weighing those factors. At most, he disputes the veracity of appellee’s testimony, which the court relied on in reaching its decision. But when “weighing the credibility of witnesses and resolving conflicts in the evidence, the fact-finder has the discretion to decide which

evidence to credit and which to reject.” *Qun Lin v. Cruz*, 247 Md. App. 606, 629 (2020) (internal quotation marks and citation omitted). And having reviewed the record, we cannot say that the court abused its discretion in crediting appellee’s testimony regarding appellant’s treatment of her during the marriage.

Ultimately, it is appellant’s burden on appeal to demonstrate that the court erred in denying his request for a monetary award. Because he has not met that burden, we shall affirm.

**JUDGMENT OF THE CIRCUIT  
COURT FOR MONTGOMERY  
COUNTY AFFIRMED. COSTS TO BE  
PAID BY APPELLANT.**