

Circuit Court for Frederick County
Case No. C-10-FM-18-002388

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1812

September Term, 2023

NICCOLE M. NEFF

v.

MARK D. NEFF

Nazarian,
Reed,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: October 30, 2025

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Niccole M. Neff (“Wife”) challenges a decision by the Circuit Court for Frederick County, as part of a judgment of absolute divorce, denying her request for a monetary award based on a differential between her individual 401(k) retirement account and that of her husband, Mark D. Neff (“Husband”). Because the trial court erred in valuing Wife’s 401(k) account and in grounding its decision on a finding that she had made post-separation withdrawals that dissipated marital funds, we vacate the judgment and remand for further proceedings consistent with this opinion.

I. BACKGROUND

Wife and Husband were married on June 24, 1995, separated in June 2018, and filed for divorce in December 2018. They have one child (“Child”), who was born in 2007.

The parties, while represented by counsel, resolved child custody issues and operated under a *pendente lite* order after September 2019. Wife and Child remained in the marital residence throughout the divorce proceedings, which were delayed in part because of COVID-related matters, including court scheduling. Disputes remained over cross-claims for dissipation of marital assets as well as alimony, child support, health care coverage, use and possession of the marital home, certain marital property including retirement accounts, and monetary awards. In particular, Wife sought a monetary award to equalize marital funds in their respective 401(k) accounts. She argued that the court should order “QDRO roll-over orders,” “using June 29, 2023 as the valuation date, with each party paying for any Survivor Annuity benefit they chose from their share of the pension money.”

The contested issues were litigated in a merits trial that extended over seven days

spread over seven months: November 29-30, 2022; December 1, 2022; March 30-31, 2023; and June 26-27, 2023. Shortly before the trial began, the parties filed a Joint Statement, as required by Maryland Rule 9-207, that identified Wife’s Accenture 401(k) and Husband’s American Funds 401(k) as marital property.¹ They differed on the value of the Accenture account: Husband asserted that it was worth \$800,000 and Wife stated only “TBD.”

Based on testimony and documentary evidence, the circuit court made the following findings and orders and embodied them in a judgment of absolute divorce:

Marital Residence. Wife’s use and possession of the marital residence was continued pending sale of the property through a court-appointed trustee, no later than October 1, 2023. Costs and net proceeds from the sale were to be divided evenly, with the parties to split “the costs of the mortgage and utilities until settlement” evenly. Husband was ordered to continue making monthly mortgage payments, to “be credited dollar for dollar toward his monthly support obligation.”

Sale of Marital Vehicles/Monetary Award. Husband’s sale of two marital vehicles yielded net receipts that Wife was entitled to share equally, and the court ordered a monetary award to Wife of \$13,138 to be paid from Husband’s share of

¹ We note that

[u]nder Rule 9-207(a), “[w]hen a monetary award or other relief pursuant to [F.L.] § 8-205 is an issue, the parties shall file a joint statement listing all property owned by one or both of them.” The form statement provided by the rule permits the parties to designate which property they agree is marital property, which property they agree is not marital property (including property “excluded by valid agreement”), and property whose marital character is disputed. *See* Md. Rule 9-207(b). The form statement also allows each party to assert his or her view as to title, fair market value, and any liens or encumbrances upon each item of property. *Id.*

Flanagan v. Flanagan, 181 Md. App. 492, 528 (2008).

the marital residence sale proceeds.

Pension. Wife was granted a one-half interest, on an “as, if, when basis” basis, to the marital portion of Husband’s AIG pension.

Child Support. Husband was ordered to maintain health and dental coverage for Child and to pay monthly child support in the amount of \$1,003 until he turned 18 and graduated from high school.

Alimony. Husband was ordered to pay monthly alimony of \$1,750 for 24 months beginning October 1, 2023.

Lite Payments. Husband was ordered to continue making payments under the Pendente Lite Order dated September 12, 2019, until September 30, 2023.

Wife does not dispute these aspects of the judgment. Instead, she challenges the court’s decision to deny her request for a monetary award to equalize the marital property that each spouse accrued but held separately in their individual 401(k) accounts. In ruling from the bench, the court expressed the view that Wife had withdrawn money from her account wrongfully:

Next is the Accenture [401(k)] – which is now, according to the parties, worth, \$547.02 [sic]. *It is undisputed that [Wife] withdrew monies from this account, which in 2018 had a value of approximately \$800,000. These monies were not repaid, and the loan was converted to a withdrawal, on which defendant had to pay tax and probably a penalty. [Wife] traced generally these funds going to different accounts before landing in PNC in three different accounts there.*

[Wife] says that when you open an account at PNC, they automatically give you three accounts. That is not true. I’ve opened a number of accounts at PNC and other banks, they will let you open whatever accounts you choose, but there is nothing automatic about a number of accounts.

Indeed this is not the only time that [Wife] was not truthful in her testimony. She equivocated heavily about her alcohol use, eventually blaming it on her marriage. And she denies using or

abusing pills. Court finds this to be untruthful. She had admitted in the past to being an alcoholic per the testimony herein, but says she got treatment and is better.

The Court finds she is not in AA. . . . and finds pursuant to the testimony that she is still drinking. Further, her testimony was contradictory to that of her sister, who was part of . . . the family intervention. Her sister testified not only to her alcohol use and abuse, but also her abuse of pills. These are examples of concerns the Court has regarding [Wife's] testimony.

The largest concern that the Court has wrestled with in considering its opinion is whether, and if so, to what extent, the defendant has a disability. Watching her these many days of trial, I was ready to buy into the fact that she has a disability. It seemed patently obvious in watching her. However, I wanted to emphasize . . . her testimony about visiting her husband's apartment. And her testimony was stunning. . . .

[Wife's] entire demeanor at that time during trial changed. She no longer had the jerky movements of her hands or head, her speech was clear, her thoughts lucid. Speaking for myself, I was stunned. . . .

This calls into question for the Court her entire disability. To support this question, a read of the lengthy social security opinion which denied SSDI claim [sic] also questions the extent of her disability. It also causes the Court to disbelieve her testimony as it relates to her maneuvering these accounts and the purpose, therefor[.] Just in short, I've had a very difficult time with [Wife's] testimony.

The Court specifically has reviewed and considered all of the factors for monetary award set forth in Family Law 8-205(b). The marital property was identified by the parties in the joint 9-207 statement

Unless otherwise stated in this opinion, the value of each piece of marital property is as listed in the joint 9-207. The parties did not actually argue over the value in each one, but they did argue over what happened to monies and things like that. (Emphasis added.)

The court compared the values of Husband's American Funds 401(k) account with the values of Wife's Accenture 401(k) account, both when this divorce proceeding

commenced in December 2018 and on the trial date in June 2023, and explained that it was not making a monetary award based on that differential because of Wife’s wrongful withdrawals from her account:

Now the Court has looked at the American Funds, which are [Husband’s] and finds that their [current] value to be \$883,463. *And compared it to the Accenture account, which has a current value of \$547,002. Court finds that had [Wife] not wrongfully removed these monies from the account, and based on her questionable testimony, finds that the value of her Accenture account should have been relatively equal to the American Funds.*

Therefore, the Court does not grant any monetary award to [Husband] from [Wife’s] Accenture 401(k) and does not grant any monetary award to [Wife] from [Husband’s] American Funds [Plan] 401(k) as . . . they should be equal and that *the amounts removed would amount to dissipation of funds.* (Emphasis added.)

Consistent with those findings, the written judgment states that the court declined to equalize these accounts through a monetary award:

ORDERED, that there shall be no monetary award to [Husband] from [Wife’s] Accenture retirement account, specifically identified as Item #10 on the parties Joint Statement of Marital and Non-Marital Property entered November 28, 2022 (hereinafter, “Joint Statement”). It shall be [Wife’s] sole and separate property; and it is further,

ORDERED, that there shall be no monetary award to [Wife] from [Husband’s] American Funds Plan retirement account, specifically identified as Item #9 on the Joint Statement. It shall be [Husband’s] sole and separate property[. ²]

² Although Husband had another 401(k) account, those funds were not marital property, so Wife does not challenge the court’s order “that there shall be no monetary award to [Wife] from [Husband’s] Fidelity Retirement Account, specifically identified as Item

Continued . . .

Wife moved to alter or amend the judgment under Rule 2-534, arguing, among other things, that there was no evidence that she had withdrawn money from the Accenture account wrongfully:

the Court erred in merely allowing each to keep their own [401(k) account balance] by holding that they [are] “equivalent”. The wife’s plan is worth \$547,000.00 and she had withdrawn \$40,000.00 for a total marital value of \$587,000.00, whereas the husband’s account is worth \$883,463.00 plus the \$50,000.00 he had withdrawn [for living expenses], for a total marital value of 933,463.00. No evidence was presented that she had withdrawn any money other than the \$40,000.00, the Court can take Judicial notice of the 2022 losses in the stock market, which were demonstrated by the most recent statement showing a \$35,000.00 loss in that Quarter. To allow each to merely “keep their own” results in the husband retaining \$173,231.50 more than the wife. This does not equate to an equitable division [of] these assets, especially considering the fact that the Court divided all other assets equally.

After a hearing, the court denied Wife’s motion and entered judgment on October 18, 2023.

Wife noted a timely appeal.

II. DISCUSSION

Although phrased as two questions, Wife seeks on appeal to challenge one of the circuit court’s decisions in this divorce case: the court’s decision to treat her Accenture 401(k) as having had roughly the same value previously as Husband’s American Funds

#27 on the parties’ Joint Statement, and it shall be [Husband’s] sole and separate property[.]”

account had at trial and denying her any monetary award in connection with the latter.³ In addition to defending the circuit court’s valuation and division decisions, Husband asks us to dismiss the appeal because Wife “has failed to comply procedurally with requirements for briefing” by filing an informal brief without permission and failing “to provide the record extract of this case, including . . . the required hearing transcripts for this matter on which her brief relies heavily[.]” Wife didn’t need permission to file an informal brief,⁴ though, and we decline to dismiss the appeal; to the extent there are any briefing and record concerns, we’ll address them in the course of analyzing the merits.

³ Wife stated the Questions Presented as follows:

- 1) Whether the circuit court erred and/or abused its discretion ruling that the appellants [sic] 401k account should be considered to be equal to Appellants [sic] 401k account.
- 2) Whether the circuit court erred and/or abused its discretion ruling that appellant had dissipated her 401k Account[.]

Husband reframed Wife’s questions as follows:

- 1) Whether the trial court erred and/or abused its discretion by finding that Appellant’s 401K account “should be considered equal to” [Appellee’s] 401K account. . . .
- 2) Whether the trial court erred and/or abused its discretion by finding that Appellant had dissipated her 401K account.

⁴ Under Maryland Rule 8-502(a)(9) and this Court’s Administrative Order dated December 19, 2022, the option to file an informal brief is available for family law appeals where, as here, the appellant is self-represented. Because “[i]nformal briefing in the Appellate Court is intended to provide meaningful review of issues raised by self-represented parties without requiring compliance with the technical requirements of Rules 8-501 through 8-504[.]” we may only “dismiss[] an appeal pursuant to Rule 8-602 for a reason other than failure to comply with” those rules. *See* Md. Rule 8-502, Committee Note. Because these parties filed supporting material from the record, and the pleadings, transcripts, and compiled appeal volumes are available through MDEC, we are satisfied that the full record is accessible to the parties and this Court.

When an action is tried without a jury, we review the judgment based on both the law and the evidence, mindful that we must “give due regard to the opportunity of the trial court to judge the credibility of the witnesses.” Md. Rule 8-131(c). We “accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings.” *Boemio v. Boemio*, 414 Md. 118, 124 (2010) (quotation marks and citation omitted). Although a “trial court . . . is entitled to ‘accept—or reject—all, part, or none of the testimony of any witness[,]’” when “the order being reviewed involves an interpretation or application of Maryland statutory or case law, our review is *de novo*.” *Goicochea v. Goicochea*, 256 Md. App. 329, 340 (2022) (cleaned up).

Section 8-201(e)(1) of the Family Law Article defines “marital property” as “the property, however titled, acquired by 1 or both parties during the marriage.” Md. Code (1999, 2019 Repl. Vol.), § 8-201(e)(1) of the Family Law Article (“FL”). “Thus, ‘[p]roperty acquired by a party up to the date of the divorce, even though the parties are separated, is marital property.’” *Reichert v. Hornbeck*, 210 Md. App. 282, 349 (2013) (citation omitted). Marital property does not include property “(i) acquired before the marriage; (ii) acquired by inheritance or gift from a third party; (iii) excluded by valid agreement; or (iv) directly traceable to any of these sources.” FL § 8-201(e)(3).

“Although the law does not require a court to divide marital property equally between parties, the division of such property must be fair and equitable.” *Brewer v. Brewer*, 156 Md. App. 77, 105 (2004) (quotation marks and citation omitted). “To achieve that result, a trial court may grant a monetary award to correct any inequality created by

the way in which property acquired during the marriage happened to be titled.” *Id.* (citation omitted). *See Doser v. Doser*, 106 Md. App. 329, 349 (1995). “The monetary award is thus an addition to and not a substitution for a legal division of the property accumulated during marriage, according to title. It is intended to compensate a spouse who holds title to less than an equitable portion of that property.” *Id.* (quoting *Ward v. Ward*, 52 Md. App. 336, 339 (1982)).

When one spouse requests a monetary award, the trial court evaluates its decision through a three-step process. *Wasylyuszko v. Wasylyuszko*, 250 Md. App. 263, 279 (2021). *First*, the court categorizes any disputed property as marital or non-marital. *Id.*; see FL § 8-201(e). *Second*, the court determines the value of each item of marital property. *Wasylyuszko*, 250 Md. App. at 279; see FL § 8-204(a)(1). And *third*, the court decides whether division of marital property according to title would be inequitable, and if so, “may make a monetary award to rectify any inequity created by the way in which property acquired during marriage happened to be titled.” *Flanagan v. Flanagan*, 181 Md. App. 492, 519–20 (2008) (cleaned up); see FL § 8-205(a)–(b). During that last step, the court must consider the factors set forth in FL § 8-205(b).⁵ *Wasylyuszko*, 250 Md. App. at 280.

⁵ FL § 8-205 provides in pertinent part:

(a) *Grant of award.* — (1) Subject to the provisions of subsection (b) of this section, after the court determines which property is marital property, and the value of the marital property, the court may . . . grant a monetary award . . . as an adjustment of the equities and rights of the parties concerning

marital property, whether or not alimony is awarded.

(2) The court may transfer ownership of an interest in:

(i) a pension, retirement, profit sharing, or deferred compensation plan, from one party to either or both parties;

(b) *Factors in determining amount and method of payment or terms of transfer.* — The court shall determine the amount and the method of payment of a monetary award . . . after considering each of the following factors:

(1) the contributions, monetary and nonmonetary, of each party to the well-being of the family;

(2) the value of all property interests of each party;

(3) the economic circumstances of each party at the time the award is to be made;

(4) the circumstances that contributed to the estrangement of the parties;

(5) the duration of the marriage;

(6) the age of each party;

(7) the physical and mental condition of each party;

(8) how and when specific marital property or interest in property described in subsection (a)(2) of this section, was acquired, including the effort expended by each party in accumulating the marital property or the interest in property described in subsection (a)(2) of this section, or both;

(9) the contribution by either party of property described in § 8-201(e)(3) of this subtitle to the acquisition of real property held by the parties as tenants by the entirety;

(10) any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and

(11) any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award or transfer of an interest in property described

Continued . . .

We review the court’s ultimate decision to grant or deny a monetary award for abuse of discretion. *Sims v. Sims*, 266 Md. App. 337, 354 (2025). “A court abuses its discretion when its decision is well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Id.* at 388 (cleaned up).

In deciding whether to make a monetary award or how much, courts may consider allegations that one spouse dissipated marital property. “The doctrine of dissipation is aimed at the nefarious purpose of one spouse’s spending for his or her own personal advantage so as to compromise the other spouse in terms of the ultimate distribution of marital assets.” *Goicochea*, 256 Md. App. at 350–51 (cleaned up); *Omayaka v. Omayaka*, 417 Md. 643 (2011) (citation omitted). Dissipation turns on whether the challenger proves that the dissipating spouse spent money inappropriately for purposes unrelated to the marriage:

[P]roperty disposed of before commencement of the trial under most circumstances cannot be marital property.” That said, it “would clearly be against the Legislature’s stated public policy to permit one spouse to squander marital property and render it impossible to make an equitable award of property.” A party who has expended marital assets in this way can be found to have dissipated them. Dissipation may be found when a spouse expends marital funds for their own benefit “for a purpose unrelated to the marriage at a time where the marriage is undergoing an irreconcilable breakdown.” It also may be found

in subsection (a)(2) of this section, or both.

(c) *Award reduced to judgment.* — The court may reduce to a judgment any monetary award made under this section, to the extent that any part of the award is due and owing.

where the alleged dissipator expended marital funds for a principal purpose other than “reducing the amount of funds that would be available for equitable distribution at the time of the divorce.” . . .

The dissipation claimant has the initial burden of production and the ultimate burden of persuasion. After establishing a prima facie dissipation case, the burden shifts to the alleged dissipator to show that their expenditures were appropriate. “What matters is not that one spouse has, post-separation, expended some of the marital assets, what is critically important is the purpose behind the expenditure.” After the alleged dissipator provides evidence that the expenditure was appropriate, it is up to the circuit court to determine whether the dissipation claimant has proven that the alleged dissipator did indeed dissipate marital assets.

The standard of proof is a preponderance of the evidence. A dissipation claimant may establish prima facie dissipation through proof that the alleged dissipator withdrew sizable funds from bank accounts in their control. But even in those cases, a spouse still retains the right to transfer their own property, even if it leaves the spouse with no means of supporting their family, so long as the spouse does so in good faith and without the intention of avoiding divorce consequences. Ultimately, the circuit court must decide whether the claimant met their burden.

Sims, 266 Md. App. at 368–69 (citations omitted). When the court makes a factual finding that one spouse has dissipated marital property by using it for personal benefit, that conduct is “a fraud on marital rights” so that any dissipated assets are treated as “extant marital property . . . to be valued with the other existing marital property.” *Goicochea*, 256 Md. App. at 340 (cleaned up).

Wife contends that the trial court’s denial of a monetary award resulted from its “mistake analyzing the evidence,” perhaps because of the way in which the case was tried in pieces over the course of seven months. She challenges the court’s predicate factual

findings that the value of her Accenture 401(k) account was \$800,000 in December 2018, “as stated in the Joint Statement,” and that she made post-separation withdrawals that dissipated marital funds in that account so that her Accenture 401(k) balance of \$547,002 was treated as “equivalent” to the \$883,463 balance in Husband’s American Funds 401(k). In support, Wife cites to her account statements as uncontested proof that her “Accenture 401k never had a balance near \$800,000 and no money was ever taken from the account except a \$40,000 withdrawal in 2017 to retain a lawyer.”

Husband counters that the trial court did not err in predicating its valuation on the parties’ Joint Statement, in which he valued Wife’s Accenture account at \$800,000 in December 2018, because Wife merely stated that the value was “TBD” then “failed to provide any assertion as to value” even after her counsel acknowledged Husband’s \$800,000 valuation:

[COUNSEL FOR WIFE]: On the next page of this [Joint Statement filed on November 28, 2022] it says that you have an Accenture plan. See number 10?

[WIFE]: Uh-huh.

[COUNSEL FOR WIFE]: A 401(k) with Accenture. And it says, under your column, the value of it is to be determined. They have you down at 800,000 on December 2018. Do you know the value of your Accenture plan, as of now?

[WIFE]: It’s in the 500s now. It’s in the 500s because of –

[COUNSEL FOR WIFE]: If I were to show you this document from Accenture –

[COUNSEL FOR HUSBAND]: Is that current, counsel?

[COUNSEL FOR WIFE]: This is October. . . .

Do you recognize that document? . . .

[WIFE]: It’s . . . my 401(k).

[COUNSEL FOR WIFE]: Okay. Can you look at that and tell the judge how much it was worth [last month,] in October of '22?

[WIFE]: \$547,002.

In Husband's view, the trial court "gave due consideration to the evidence before it," including the account values "at different periods in time from the parties' separation," before ultimately finding that Wife "did not fully explain the change in value in the account nor could she explain or justify her expenditures with the money[.]" In particular, Husband points to Wife's conduct:

since separation, her questionable claims of disability, and her non-employment (Apx.019-021), her actions causing [Husband] to be denied access to the former marital home (Apx. 025), and the fact that her boyfriend resided primarily at the marital home (Apx. 027). Therefore, even assuming that there was any error at all as to the exact dollar value of [Wife's] accounts, such error was harmless, as during the multiple days of trial, she had ample opportunity to dispute the evidence presented to the trial court by [Husband], through both her testimony and physical/documentary evidence, which she failed to do. In fact, with respect to [Wife's] financial statement, the lower court stated, "pew—it appeared to be more fiction than real."

We review factual findings on both the value and dissipation of marital property under the clearly erroneous standard. *Omayaka*, 417 Md. at 652 (citation omitted); *Abdullahi v. Zanini*, 241 Md. App. 372, 413 (2019). We examine the record in the light most favorable to Husband, as the prevailing party, to determine whether there is any evidence to support the trial court's findings. *See Reichert*, 210 Md. App. at 354; *Omayaka*, 417 Md. at 652-53. In this instance, there wasn't, and the court erred in finding dissipation from Wife's Accenture account based on Husband's unsupported suggestions.

In *Abdullahi v. Zanini*, 241 Md. App. 372 (2019), we held that “[w]here the parties disagreed on the value of” the wife’s one-sixteenth interest in undeveloped land in war-torn Somalia, and she testified “that the property had no value,” the circuit court “erred in accepting Husband’s bald assertion of value provided in the Joint Statement, which was unsupported by any reasoning regarding how he arrived at that result.” *Id.* at 412, 414. Likewise, in a instructively analogous decision that we cited in *Abdullahi*, the court in *Thompson v. Thompson*, 811 N.E.2d 888 (Ind. Ct. App. 2004), recognized that “[a] trial court abuses its discretion when there is no evidence in the record supporting its decision to assign a particular value to a marital asset[,]” and held that a trial court abused its discretion by accepting a wife’s valuation of her husband’s 401(k) account where she presented no evidence to support that value. *Id.* at 917.

Here, as in *Abdullahi* and *Thompson*, there was no evidence to support the trial court’s finding that “[i]t is undisputed that [Wife] withdrew monies from this account, which in 2018 had a value of approximately \$800,000.” We see three flaws in the court’s conclusion.

First, as a threshold matter, Wife *did* dispute Husband’s proffered value of “\$800,000 as of December 2018.” After Wife contested Husband’s valuation by asserting in her column of their Joint Statement that the balance was “TBD,” both she and Husband presented a number of her Accenture account statements containing post-separation balances and transactions since January 1, 2019. These statements were admitted into evidence without objection. In her written closing argument, Wife cited those documents

and to her testimony as proof that the value of her Accenture 401(k) at that time was \$547,002. This record refutes the trial court’s conclusion that “[t]he parties did not actually argue over the value” for this item of marital property listed in the Joint Statement.

Second, there was no evidence that the value of Wife’s Accenture 401(k) had ever reached \$800,000, either in December 2018 when this divorce proceeding began or at any other time. According to Wife’s unchallenged account statements, proffered by both parties and admitted without objection, her balances were as follows:

January 1, 2019	\$496,158.66
January 1, 2020	\$505,848.44
January 1, 2021	\$585,900.05
March 31, 2021	\$603,121.43
July 1, 2022	\$582,004.10
September 30, 2022	\$547,002.79

These account statements, albeit not a complete set covering each quarter of the post-separation period, reveal that when this divorce proceeding began in December 2018, Wife’s Accenture balance was less than \$500,000, not \$800,000. There is no evidence that Wife’s 401(k) balance had ever approached \$800,000. To the contrary, the Accenture account statements document market gains and losses throughout the post-separation period, including a third quarter 2022 loss of \$35,981.72 immediately preceding this trial, as well as an overall growth of \$50,844.13 from the outset of the divorce proceedings in December 2018. According to these statements, the highest balance was \$603,121.43 on March 31, 2021, nearly \$200,000 short of \$800,000.

Likewise, the *third* error in the trial court’s factual findings is that there was no evidence Wife made post-separation withdrawals from her Accenture 401(k). Although

Wife admitted withdrawing all the funds in a joint account at Ally Bank and selling Accenture stock to pay for legal fees, she insisted that she had not made any post-separation withdrawals from her Accenture 401(k). The only withdrawal shown on any of her 401(k) account statements is \$40,050 on November 17, 2017, which the court recognized was made “to retain counsel” and “was not dissipation.”

Here, as in *Abdullahi* and *Thompson*, there was no evidence to support the trial court’s valuation and dissipation findings. In its bench ruling, the court credited Husband’s entry in the Joint Statement at face value, even treating it as unchallenged, despite Wife’s contradictory entry on the 9-207 statement that this value was “TBD” and her itemized account statements revealing values much lower. Although the court was entitled to reject her testimony based on its negative views of Wife’s credibility, it did not explain why it also rejected the uncontroverted information in the Accenture statements in favor of Husband’s bald valuation in the Joint Statement, for which Husband had offered no supporting documentation. Because a 401(k) account is not the type of marital property that is difficult to value, Husband proffered no evidence to support his valuation in the Joint Statement, and the Accenture account statements were not challenged, the trial court erred in valuing Wife’s 401(k) at \$800,000 in December 2018.

Then, because the post-separation account statements didn’t identify any withdrawals, the trial court also erred in finding that Wife dissipated marital funds in her Accenture 401(k). The court’s findings that “[i]t is undisputed that [Wife] withdrew monies from this account” and that Wife “traced generally these funds going to different accounts

before landing in PNC in three different accounts there” demonstrate that the court mistakenly may have treated Wife’s admitted withdrawals from the couple’s joint savings account at Ally Bank as withdrawals from her 401(k) account with Accenture.⁶

Although the trial court cited Wife’s “questionable testimony,” it expressly predicated its \$800,000 valuation on Husband’s unsupported assertion in the Joint Statement and its ultimate denial of a monetary award on its erroneous “find[ing] that had [Wife] not wrongly removed monies from the account, . . . the value of her Accenture account should have been relatively equal to the American Funds” account of Husband. Because the evidence does not support those factual findings, the trial court erred in valuing Wife’s Accenture 401(k) account, in finding that she dissipated marital property, in treating her Accenture account with \$547,002 as having a balance “equivalent” to Husband’s \$883,463 American Funds account balance, and in predicated its denial of Wife’s request for a monetary award on these erroneous findings. And because the court relied expressly on its valuation and dissipation findings in denying Wife’s request for a monetary award based on the 401(k) plans, these errors are not harmless.

For these reasons, we vacate affected portions of the judgment, starting with the denial of Wife’s request for a monetary award based on the \$336,461 differential between the parties’ 401(k) accounts. And as a result of that decision, we vacate the interrelated

⁶ Because our review is limited to the findings and reasoning by the trial court, we express no opinion about the impact, if any, that Wife’s withdrawals from the Ally account might have on her request for a monetary award based on the marital property in the parties’ respective 401(k) accounts.

alimony and child support awards and remand for review in light of the court's reconsidered decision regarding the 401(k) accounts. *See St. Cyr v. St. Cyr*, 228 Md. App. 163, 198 (2016) (recognizing that “a court’s determinations as to alimony, child support, monetary awards, and counsel fees involve overlapping evaluations of the parties’ financial circumstances”); *Turner v. Turner*, 147 Md. App. 350, 400 (2002) (“The factors underlying alimony, a monetary award, and counsel fees are so interrelated that, when a trial court considers a claim for any one of them, it must weigh the award of any other.”); *Freese v. Freese*, 89 Md. App. 144, 155 (1991) (“Although the award of alimony as made does not constitute an abuse of discretion, we are vacating the alimony award since a change in the monetary award may affect a change in the alimony award.”); *Sims*, 266 Md. App. at 390 (recognizing that “where we vacate—as we did here—a monetary award, alimony, or child support, we shall also vacate the attorneys’ fees award”).

**JUDGMENT OF ABSOLUTE DIVORCE
ENTERED OCTOBER 18, 2023 BY THE
CIRCUIT COURT FOR FREDERICK
COUNTY VACATED IN PART AND CASE
REMANDED FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE PAID BY
APPELLEE.**