

Circuit Court for Montgomery County
Case No. 135829 FL

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1888

September Term, 2017

PAVEL ROYZMAN

v.

TETYANA ROYZMAN

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 4, 2019

*This is an unreported opinion and therefore may not be cited either as precedent or as persuasive authority in any paper, brief, motion, or other document filed in this Court or any other Maryland court. Md. Rule 1-104.

—Unreported Opinion—

In the Circuit Court for Montgomery County, Pavel Royzman (“Husband”), the appellant, was granted an absolute divorce from Tetyana Royzman (“Wife”), the appellee. The divorce judgment, as amended, ordered the sale of the marital home, with the parties to split evenly the costs and fees incurred and the proceeds of the sale. Husband contends the court abused its discretion by not permitting him to buy out Wife’s interest in the marital home both because he asserts that Wife did not oppose that relief and because it would be in the best interests of the parties’ minor child. Alternatively, he argues that the court erred by ordering the proceeds of the sale to be divided evenly because he alone paid the mortgage for a period of 22 months after the parties separated, but before they divorced. Finding no merit in either contention, we affirm.

In a divorce proceeding, the court may determine the ownership of real property and, with respect to “any property owned by both parties, order a partition or a sale instead of partition and a division of the proceeds.” Md. Code Ann. (1999, 2012 Repl. Vol.), Fam. Law § 8-202(b). Family Law § 8-205(a)(2)(iii) grants the court additional discretion with respect to jointly titled real property that was the “principal residence of the parties when they lived together[,]” *i.e.*, the marital home. In addition to ordering the sale of the marital home, the court also has discretion to order one party to transfer his or her interest in the property to the other party, along with a release of the transferring party from any lien obligations; to order one party to purchase the other party’s interest in the property; or both. Fam. Law § 8-205(a)(2)(iii).

In the instant case, the disposition of the marital home was the central issue at the one-day merits hearing. The house, located in Rockville, was valued at approximately \$475,000 and was encumbered by a mortgage lien of just under \$300,000, for a net value of \$175,000. Husband presented testimony from a mortgage lender that he would qualify for a refinance loan that would permit him to buy out Wife's interest in the house. Wife opposed that proposal because she had filed a separate civil suit against Husband, on behalf of their minor child, seeking to recover amounts he withdrew from the child's Uniform Transfers to Minors Act ("UTMA") account, a custodial trust account set up to fund college expenses. It was Wife's position at trial that if Husband was permitted to drain the equity from the marital home in a buy-out, she would not be able to collect on a judgment in the UTMA suit, should she prevail,¹ which ultimately would not serve their child's best interests. The court was persuaded by Wife's argument and, on that basis, exercised its discretion to order the sale of the marital home. The court did not abuse its broad discretion in so ruling. *See Santo v. Santo*, 448 Md. 620, 625-26 (2016) (An abuse of discretion occurs when "no reasonable person would take the view adopted by the [trial] court," "when the court acts without reference to any guiding rules or principles," "when the court's ruling is clearly against the logic and effect of facts and inferences

¹ We take judicial notice of the fact that Wife did prevail in her civil suit and, by order entered December 7, 2017, Husband was ordered to deposit over \$31,000 into the child's UTMA account and was removed as custodian of that account. *See Tetyana Royzman v. Pavel Royzman*, Case No. 430681V (Circuit Court for Montgomery County). Husband's appeal from that judgment currently is pending in this Court. *See Pavel Royzman v. Tetyana Royzman*, No. 2458, Sept. Term 2017.

before the court,” “when the ruling is violative of fact and logic,” or when “its decision is well removed from any center mark imagined by the reviewing court”) (cleaned up).

Turning to the division of the proceeds of the sale of the marital home, the court lacked any discretion to order that Husband receive more than 50% of the proceeds. *See Brewer v. Brewer*, 156 Md. App. 77, 110-11 (2004) (when jointly titled property is ordered sold, the parties are entitled to an equal division of the proceeds, with any inequity inherent in that division counterbalanced by a monetary award). While Husband testified that he paid the mortgage on the marital home for 22 months after the parties separated, without contribution from Wife,² he did not request *Crawford* credits³ or a monetary award as an adjustment of the equities. Husband also did not make this request in his motion to alter or amend the judgment. Because Husband failed to seek this relief before the trial court, we decline to consider this argument on appeal. *See* Md. Rule 8-131(a).

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

² There also was evidence that Wife paid the mortgage without contribution from Husband during a prior separation.

³See *Crawford v. Crawford*, 293 Md. 307 (1982) (holding that the doctrine of contribution applies to tenants by the entirety and that the presumption of gift does not apply after parties have separated).