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IN THE COURT OF APPEALS OF INDIANA

CLAYTON C. FRANCHVILLE,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 49A04-1011-DR-777
	)	
DYANNE R. FRANCHVILLE,	)	
	)	
Appellee-Petitioner.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Heather Welch, Judge
The Honorable Jeffrey L. Marchal, Master Commissioner
Cause No. 49D12-0907-DR-32602

December 27, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Clayton C. Franchville ("Husband") appeals the dissolution court's division of assets between him and Dyanne R. Franchville ("Wife") in its dissolution decree. Husband presents three issues for our review, which we restate as follows:

1. Whether the dissolution court abused its discretion when it denied Husband's motion for sanctions after Husband was unable to depose a witness;

2. Whether the dissolution court's conclusion that Wife did not dissipate marital assets is clearly erroneous; and

3. Whether the dissolution court's order distributing the marital assets between the parties is clearly erroneous.

We affirm.

FACTS AND PROCEDURAL HISTORY

Husband and Wife were married on February 14, 1980, and had no children. Among other activities, Husband was involved in the business of trading in rare coins, and Wife assisted him in buying and selling scrap gold and silver during 1979 and 1980. Husband came to the marriage with coins and collected numerous others over the course of the marriage. An unknown number of the coins were stolen during a burglary in 1984, and many of the remaining coins were placed in safe deposit boxes. Some of the coins were of investment quality, and some had little value except as scrap. Husband and Wife were also involved in buying and selling foreclosed houses.

Sometime in 1983, Husband and Wife purchased a house on East Southport Road in Indianapolis, which they made their home ("the Southport property"). In 1997, the

property was foreclosed upon. In order to allow the couple to remain in the home, Husband arranged for a friend, Frederick Plews ("Plews"), who lived in Mexico, to obtain a mortgage to purchase the home. In 1999, Plews executed a power of attorney appointing Husband as his attorney-in-fact and requested that the parties obtain a life insurance policy on his life, with Husband and Wife as beneficiaries. Husband and Wife made all payments and expenditures for the house and continued to reside in it. Plews never lived in the house except as a guest and never made mortgage, tax, insurance, or other payments for the home.

In 2004, Husband underwent emergency surgery. Thereafter, on April 26, 2005, Plews revoked his appointment of Husband as his attorney-in-fact and executed a new power of attorney designating Wife in that role. That same day, Plews executed a quitclaim deed conveying the Southport property to Wife's daughter, Melanie Annee ("Melanie"), but that deed was not recorded. In May, Husband was again hospitalized and was eventually released to recover at home.

In the years between the 1997 foreclosure and 2006, land adjacent to the Southport property had become valuable as commercial real estate. In 2006, Husband, Wife, Wife's brothers, Larry and Herbert Pierle ("Larry" and "Herbert"), and an adjacent property owner met regarding the possibility of Larry and Herbert acquiring some portion of the Southport property if Larry and Herbert could also acquire the land adjacent to that property.

On September 14, 2006, Wife, without consulting Husband, in her capacity as Plews's attorney-in-fact, executed a warranty deed that conveyed the Southport property to Larry and Herbert. Larry and Herbert obtained a $283,000 mortgage on the property, which paid the balance on mortgages previously taken out by Plews and Husband to refinance and improve the residence. Larry and Herbert used $9,000 from the mortgage to pay property taxes due on the land, gave Melanie $9,000 of the loan money to reimburse her for money she had given to Wife for her living expenses, gave $8,000 to Larry as reimbursement for money he had given to Wife, and gave some additional money to Wife to help her pay living expenses.

On the day Larry and Herbert purchased the Southport property, Wife and Husband had a dispute, at the end of which Husband announced that he would divorce Wife and would no longer pay any bills. Husband and Wife both remained in the residence, with Husband living in a separate part of the house until December 2006, when he left. At some point, Wife's son, Steven Crihfield ("Steven") and his daughter moved into the home with Wife.

Wife filed a petition for dissolution of the marriage in 2007, but dismissed the petition at a later point while she and Husband discussed reconciliation. In the interim, she had sold some of the coins that remained with her in order to cover living expenses after Husband failed to pay according to a pendente lite maintenance order entered in the dissolution action. Wife received approximately $30,000 from the sale of the coins over the course of several years.

On January 25, 2007, Larry and Herbert executed a warranty deed conveying the residential portion of the Southport property—roughly one-third of the entire lot—to Melanie. Melanie mortgaged the property for $100,000, using $69,000 of the loan to improve the residence and giving Wife $19,000 to purchase a car, as Wife's prior car had been repossessed after Husband ceased to make payments.

On June 26, 2009, Melanie sold her interest in the Southport property to a third party for approximately $230,000. Of this money, she gave approximately $30,000 to Steven to use as a down payment on a new home for Wife, himself, and his daughter. Melanie also gave Wife money to purchase appliances for the new home.

On September 20, 2008, one of Husband's acquaintances retrieved coins, watches and watch parts, and other items of Husband's personal property from Wife. Wife also sold a coin to Husband on this date for $2,000, with Husband's acquaintance acting as a go-between. On September 17, 2009, another of Husband's acquaintances retrieved a large amount of Husband's personal property from Wife, including two pinball machines, some furniture, and other belongings.

On July 10, 2009, Husband filed his petition for dissolution of the marriage. On April 6, 2010, Husband's prior counsel in the dissolution proceedings withdrew her appearance. The next day, Wife filed a counter-petition for dissolution. On June 10, 2010, five days before a final hearing in the matter that had been scheduled in April 2010, new counsel entered an appearance for Husband and requested that the final hearing be continued in its entirety to a later date pending discovery. The trial court denied this

motion, permitted direct examination of Wife and her son, Steven, and continued the final hearing until October 4, 2010.

As the discovery process unfolded, numerous disputes arose between Husband and Wife. On September 21, 2010, the trial court was conducting a hearing when Husband revealed that Plews was in Indianapolis and that he planned to depose Plews as soon as possible, preferably that day. Though objecting to the lack of notice, Wife nevertheless agreed to participate in a deposition of Plews on September 24, 2010. Plews, however, left Indianapolis before he could be deposed, apparently returning to his home in Mexico. On September 23, 2010, Husband filed a motion asking that the trial court vacate the final hearing date and sanction Wife. In particular, Husband averred that Wife had sent an e-mail to Plews on September 21, 2010, in which she offered to pay Plews to leave Indianapolis, thereby interfering with discovery.

The trial court held a hearing on Husband's motion on October 1, 2010, at the conclusion of which the court declined to vacate the final hearing date, otherwise continue the proceeding, or impose sanctions. In reaching its conclusion, the court expressly stated that it could not conclude that Wife was the author of the September 21 e-mail. On October 4, 2010, the trial court held the final hearing.

On November 1, 2010, the trial court issued its dissolution decree.[1] In the decree, the trial court held that Wife had not dissipated assets when she sold the coins. The court

[1] We note that Husband has not attached a full copy of the order appealed from to his brief. See Ind. Appellate Rule 46(A)(10).

also valued the coins sold by Wife after she had filed the initial petition for dissolution in 2007 at $30,000—the total amount of money wife obtained from their sale—rather than accepting Husband's assertions during the final hearing that those coins were worth in excess of $500,000. Further, the trial court found that neither Husband nor Wife held any vested legal interest in the Southport property, that the appointment of either Husband or Wife as Plews's attorney-in-fact had no bearing on the issues before the court, and that the Southport property and any proceeds from its subsequent sales were not marital assets subject to division and allocation in the dissolution of the marriage. The trial court then ordered Husband and Wife each take the personal property in their possession at the time of the decree and assume all debts personal to them respectively, with the exception that Wife was required to return two carvings that she had retained on Husband's behalf for safekeeping. This appeal ensued.

DISCUSSION AND DECISION

Issue One: Denial of the Motion for Sanctions

Husband first contends that the trial court abused its discretion when it did not vacate the final hearing date in order to permit Husband to depose Plews.[2] In his motion

[2] Husband's brief presents this issue as whether "[t]he trial court abused its discretion when it denied Husband's Contempt Petition and request for sanctions during an evidentiary hearing held before trial thereby depriving Husband of his right to a fair trial in violation of Article I Sec 9 of the Indiana Constitution and the 5th Amendment of the U.S. Constitution." Appellant's Br. at i. Husband advances no cogent argument or citation to the record or any other authority in support of his constitutional arguments or his claim for contempt. We remind counsel that our appellate rules require such argument and citation and, in their absence, a party waives our review of the purported argument. See App. R. 46(A)(8)(a); Watson v. Auto Advisors, Inc., 822 N.E.2d 1017, 1027-28 (Ind. Ct. App. 2005) (stating, "[w]hen parties fail to provide argument and citations, we find their arguments are waived for appellate review"), trans. denied. Accordingly, we do not consider Husband's alleged constitutional errors or his request to have Wife held in contempt.

to the trial court, Husband claimed that Plews left Indianapolis after Wife had contacted Plews and offered to pay his expenses to leave the city, thereby making Plews unavailable for the deposition and interfering with discovery.

As an initial matter, we note that Husband does not clearly articulate the nature of the motion he tendered to the trial court. Husband styled his motion as a "Motion for Sanctions." Appellee's App. at 28. However, among the relief sought by Husband was a continuance of the final hearing. And, on appeal, Husband's argument focuses exclusively on law discussing when the deposition of a witness is appropriate.

We agree with Wife that the substance of Husband's appeal on this issue is whether the trial court properly refused to delay the final hearing. Because Husband sought to postpone the final hearing date in order to obtain testimony from an unavailable witness who was not compelled to testify under subpoena, we construe Husband's request to vacate the final hearing as a motion to continue a trial under Trial Rule 53.5. Under that rule, a party seeking a continuance of the trial must show "good cause established by affidavit or other evidence." Ind. Trial Rule 53.5. Where a party seeks to continue a trial because of the absence of a witness, that party must submit an affidavit showing "the name and residence of the witness" and "the probability of procuring the testimony within a reasonable time." Id. The affidavit must also show that the moving party did not obtain the unavailability of the absent witness and that others did not do so upon that party's request or with that party's "connivance" or knowledge. Id. The affidavit must further show what facts the movant believes to be true and must further

establish that the missing witness is the only individual by whose testimony those facts may be proved. Id.

Whether to grant a continuance of a trial is left to the discretion of the trial court. Id. Thus, we will not reverse a denial of a continuance unless there has been a clear abuse of the trial court's discretion. Scott v. Crussen, 741 N.E.2d 743, 746 (Ind. Ct. App. 2000), trans. denied. An abuse of discretion occurs when the trial court's decision is against the logic and effect of the facts and circumstances before the trial court. Flake v. State, 767 N.E.2d 1004, 1009 (Ind. Ct. App. 2002). Further, the party seeking a continuance " 'must be free from fault and show that his rights are likely to be prejudiced' " by denial of the motion. Id. (quoting Danner v. Danner, 573 N.E.2d 934, 937 (Ind. Ct. App. 1991), trans. denied).

First, Husband's motion failed to set forth any basis upon which denial of the continuance would prejudice his case, and, therefore, it did not comply with Trial Rule 53.5. Husband suggested that Wife had dissipated assets in some fashion, stating:

> 25. Some of this information [Wife's and her counsel's attempt to hide evidence of dissipation] was disclosed in the deposition of [Wife's daughter] when she testified that proceeds from the sale of the property that was the marital residence was paid to [Wife] in the sum of [$20,000] and to [Wife's son] in the sum of [$30,000].
>
> 26. [Wife's daughter] also testified that she received the property that was the marital residence for no money whatsoever and that she invested some [$60,000] to [$90,000] in that property and eventually sold the property within a period of two (2) or three (3) years for a sum in excess of [$230,000].

Appellee's App. 33-34.

During the October 1, 2010, hearing on Husband's motion, Husband argued that, after the Southport property went into foreclosure, Plews had "acted as a straw party and picked the property up and allowed the—uh—Franchville's [sic] to stay there." Transcript at 71. The exhibits Husband designated along with his motion show that in 1999, Plews gave Husband power of attorney over the property. In 2005, Plews revoked the power of attorney from Husband and gave power of attorney to Wife and personally executed a quitclaim deed to Melanie for the Southport property, although this deed went unrecorded. In 2006, Wife, acting in her capacity as attorney-in-fact for Plews, conveyed the property to Larry and Herbert, who in turn conveyed a portion of the property to Melanie in 2007. In 2009, Melanie conveyed the property to a third party.

Thus, although Husband's motion and exhibits demonstrate that a series of transactions occurred from 1997 to 2009, they do not indicate or establish what knowledge Plews might have had concerning the alleged dissipation of marital assets by Wife. As such, Husband's motion to continue the trial for Plews's testimony failed to fulfill Trial Rule 53.5's requirement that he identify facts he believed to be true that only Plews's testimony could establish. Further, Husband's motion lacked any statements as to the efforts that would be necessary to obtain Plews's testimony and thus fails to establish the probability of procuring Plews's testimony, as required by the rule.

Moreover, Husband could not have successfully argued that he was entitled to some portion of the marital residence itself, as that property was not part of the marital estate. The property was foreclosed upon in 1997—nearly twelve years before Husband

filed his petition for dissolution of the marriage—and was purchased by Plews. Plews permitted Husband and Wife to remain in the residence, for which they agreed to make mortgage, tax, and insurance payments, and there is no evidence of a lease or any other written agreement regarding their continued possession of the residence. Plews later executed two different deeds conveying the land—once by his own hand to Melanie, and once through Wife as his attorney-in-fact to Larry and Herbert.[3] Larry and Herbert continued to permit Husband and Wife to remain in the home until Husband moved out in December 2006, at which point Wife remained on the property.

Contrary to the premise underlying Husband's assertions, Husband and Wife were not owners but, rather, were tenants-at-will on the Southport property, first of Plews and then of Larry and Herbert. See Ind. Code §§ 32-31-1-1 to -2 (defining tenancy at will as one "in which the premises are occupied by the express or constructive consent of the landlord" on a "month-to-month" basis which "may be determined by a one (1) month notice in writing" and "cannot arise" without an express contract). Husband thus articulates no viable claim to an interest in the Southport property or the proceeds from its sales since neither spouse held the home as an asset, and Husband makes no claim that there was any other evidence of dissipation or fraud about which Plews could testify.

Finally, Husband's contention that Wife e-mailed Plews to leave Indiana is contrary to the evidence most favorable to the trial court's judgment. During the October

[3] There is nothing in the record to suggest that Plews in any way challenged the propriety of Wife's conveyance of the land on his behalf to Wife's brothers, Larry and Herbert.

1, 2010, hearing, Wife testified that she had warned Plews not to travel from his home in Mexico to Houston, Texas, out of concern that Husband would try to trick Plews into coming to Indiana. Wife also testified that she had been in a deposition with counsel for both parties at the time the September 21 e-mail message was sent and did not send the September 21 e-mail to Plews that purported to have originated with her. Wife further stated that she had not used the e-mail address associated with the September 21 e-mail message to Plews for some time, and had not changed the password on the e-mail account which she and Husband had shared during the marriage. And Wife testified that she had no contact with Plews since September 21, 2010, except in a phone call during which she asked Plews to come to the final hearing on October 4, 2010. Plews refused, responding that "his nerves were too bad." Transcript at 64.

After hearing Wife's testimony, the trial court concluded:

> [The] inquiry comes down to what happened following the meeting of attorneys with me in chambers on 9/21. I would note that at no time was Mr. Plews under subpoena to appear for deposition. On the 24th it instead was by agreement of the parties that Mr. Plews would be deposed. . . . I'm just not convinced—uh—that Mrs. Franchville is the author of the e-mail that was sent on the 21st. So the Court's going to deny the motion for sanctions, I will see everybody for the trial on Monday.

Id. at 82.

In sum, we agree with the trial court's conclusion that Husband sought to continue the final hearing without showing good cause for doing so. Husband did not demonstrate that Plews's testimony was material, that Plews was compelled to testify, or that Wife had interfered with Husband's attempts to obtain that testimony. On this record, we

conclude that the trial court did not abuse its discretion when it denied Husband's request to vacate the final hearing date.

Issue Two: Dissipation of the Southport Property

Husband next argues that Wife's exercise of power of attorney over Plews's property constituted dissipation of the marital assets.[4] Indiana Code Section 31-15-7-4 calls for the "just and reasonable" division of marital assets by "division of the property in kind," setting aside certain property to one spouse and requiring payments from the other, ordering the sale of marital assets, or ordering the distribution of benefits. I.C. § 31-15-7-4(b). Trial courts "shall presume that an equal division" of the marital assets "is just and reasonable," though this may be rebutted by presenting "relevant evidence" that an equal division would not be just and reasonable. I.C. § 31-15-7-5.

Dissipation is one of the factors upon which a trial court may, in its discretion, deviate from the presumption that marital assets must be divided equally between the parties. I.C. § 31-15-7-5(4) (listing as a basis for deviation "[t]he conduct of the parties during the marriage as related to the disposition or dissipation of their property"). Dissipation of marital assets occurs where there is "frivolous, unjustified spending of marital assets." Kondamuri v. Kondamuri, 852 N.E.2d 939, 951 (Ind. Ct. App. 2006) (citing Goodman v. Goodman, 754 N.E.2d 595, 598 (Ind. Ct. App. 2001)). "Waste and misuse are the hallmarks of dissipation" and "involves the use or diminution of the

[4] Husband also argues that Wife dissipated certain valuable coins. We address that argument in Issue Three when we discuss the trial court's distribution of the marital estate.

marital estate for a purpose unrelated to the marriage and does not include the use of marital property to meet routine financial obligations." In re Marriage of Coyle, 671 N.E.2d 938, 943 (Ind. Ct. App. 1996).

A trial court should "weigh various considerations," id., in determining whether a spouse has dissipated assets, including:

> 1. Whether the expenditure benefited the marriage or was made for a purpose entirely unrelated to the marriage;
>
> 2. The timing of the transaction;
>
> 3. Whether the expenditure was excessive or de minimis; and
>
> 4. Whether the dissipating party intended to hide, deplete, or divert the marital asset.

Kondamuri, 852 N.E.2d at 952 (citing Coyle, 671 N.E.2d at 943). Among the conduct that we have held constitutes dissipation of assets are gambling, id. at 952-53; transfer of stock in a closely-held corporation for minimal consideration shortly after being informed of an intent to file for divorce, Pitman v. Pitman, 721 N.E.2d 260, 265 (Ind. Ct. App. 1999); use of home equity monies and paychecks to pay premarital debts unknown to the other spouse and to make excessive purchases on credit, Goodman v. Goodman, 754 N.E.2d 595, 598-99 (Ind. Ct. App. 2001); and "disposing of the parties' personal assets at a phenomenal rate without regard to the consequences" to a family business, Stutz v. Stutz, 556 N.E.2d 1346, 1349 (Ind. Ct. App. 1990).

The disposition of marital assets is within the sound discretion of the trial court. Eye v. Eye, 849 N.E.2d 698, 701 (Ind. Ct. App. 2006). A trial court must consider all the

statutory factors set forth in Indiana Code Section 31-15-7-5, but it need not explicitly address all of the factors in each case. Montgomery v. Faust, 910 N.E.2d 234, 239 (Ind. Ct. App. 2009). We do not review the distribution of assets item-by-item, but rather we consider the distribution of assets as a whole. Eye, 849 N.E.2d at 701.

Where, as here, the trial court enters specific findings and conclusions, we review the trial court's order for clear error, setting aside the judgment only where there are no facts or inferences to support the findings and conclusions leaving us with a firm conviction that a mistake has been made. Alexander v. Alexander, 927 N.E.2d 926, 933-34 (Ind. Ct. App. 2010). We review findings and conclusions in a two-step process. We first determine whether the evidence supports the findings, and then we determine whether the findings support the judgment. Id. at 934. We neither reweigh evidence nor assess the credibility of witnesses, and we consider only the evidence that is most favorable to the judgment. Id.

Here, Husband's claim of dissipation centers on Wife's conduct as Plews's attorney-in-fact, when she transferred the property on which she and Husband resided to her brothers, Larry and Herbert, and upon Wife's use of funds from the various loans and transactions that followed. Husband contended at the final hearing that the Southport property was his and not Plews's because Plews had given him power of attorney and because he and Plews had an apparently unwritten agreement concerning ownership of the land. Husband indicated that he had used Plews's credit to retain ownership of the

home. The trial court concluded that Husband had no rights in the property, despite the fact that Husband and Wife had made the property their marital residence.

First, as to the propriety of Wife's exercise of the power of attorney, we observe again that no property right inures to Husband as a result of Wife's possession of such power or as a result of his prior possession of the same power. Further, absent a writing evidencing a transaction between Husband and Plews for sale of the land, there has been no transfer of ownership from Plews back to Husband after Plews's purchase of the land in 1997. See I.C. § 32-21-1-1(b) (Indiana's Statute of Frauds, which precludes an action without a signed writing against whom an agreement is to be enforced in "any contract for the sale of land"). As we have observed above, Husband and Wife resided in the house as its owners prior to 1997 and as Plews's tenants-at-will afterward, having agreed to make mortgage, tax, and insurance payments in an express but apparently unwritten agreement with Plews. At most, then, Husband's interest in the residence was that of a tenant subject to thirty days' notice of termination of the tenancy. Thus, the home and its attendant real estate were not marital assets that Wife could dissipate.

Likewise, the money Wife received from the various transactions conveying the property from Plews to Larry and Herbert, from Larry and Herbert to Melanie, and from Melanie to a third-party purchaser was also not part of the marital estate. Wife testified that, as with the money she obtained from selling coins, she used the funds from her brothers and her daughter to pay for her living expenses during the marriage. This included the purchase of a car so she could drive to work after Husband ceased to make

payments on the car she had previously used, which had resulted in the repossession of that vehicle. Though Husband testified that Wife had a gambling problem that was the true source of her need for funds, the trial court did not consider this testimony credible, and we will not reweigh the trial court's determination on appeal.

In sum, Husband has wholly failed to establish that the Southport property was a marital asset. We conclude that the trial court's finding that Wife did not dissipate marital assets is not clearly erroneous.

Issue Three: Equitable Division of the Assets

Husband next claims that the trial court's division of the assets was improper. Specifically, Husband contends that the trial court deviated from the statutory presumption of an equal division of the marital assets without making proper findings for the deviation and without evidence to support the deviation.[5] He further argues that the trial court did not properly value the coins Wife sold during the marriage and the pendency of the prior dissolution proceeding.

Where questions of the valuation of marital property are raised, the trial court has broad discretion in determining the value of property. Quillen v. Quillen, 671 N.E.2d 98, 102 (Ind. 1996). There is no abuse of discretion in valuing the property where "there is sufficient evidence and reasonable inferences therefrom to support the result." Id. "We will reverse only if there is no rational basis for the award; that is, if the result is clearly

[5] Much of Husband's purported argument on this issue consists only of quotations and summary of case law rather than an application of the facts of this case to that law. See App. R. 46(A)(8)(a).

against the logic and effect of the facts and the reasonable inferences to be drawn therefrom." R.E.G. v. L.M.G., 571 N.E.2d 298, 300 (Ind. Ct. App. 1991).

Husband argues that the trial court's order is defective on its face because it "does not have a statement as to whether the trial court equitably [sic] or unevenly" distributed the marital assets. Appellant's Br. at 13. We cannot agree. "We presume the trial court followed the law and made all proper considerations in making its decision." R.E.G., 571 N.E.2d at 300. In other words, the trial court is under no obligation to expressly state that it considered the law. Thus, Husband's contention that the trial court's order is defective on its face is without merit.

In any event, the trial court entered a thorough distribution order based on specific findings supported by the evidence. The court ordered that Husband and Wife would each retain whatever personal property was already in their respective possessions and would not be required to remunerate the other spouse for property already disposed of. Neither party entered evidence as to the valuation of most of this property with the exception of several cars, four pinball machines, and various coins. Wife further testified that she did not want any of Husband's property.

The trial court distributed each car to the respective spouse in possession of the vehicle at the time of the decree without assigning any responsibility for related debt to the non-possessing spouse. While the parties testified to the value of the various vehicles, the trial court found this evidence unpersuasive and ordered no payment between them to equalize the values. Concerning the four pinball machines, Wife

testified that she had attempted to return to Husband the two machines she thought were most valuable. Husband testified to the contrary. The trial court found the values to be speculative and therefore declined to require Wife to return one machine that remained in her possession or to compensate Husband for a fourth machine that she had given to a nephew in exchange for lawn maintenance services.

The sole exceptions to this scheme for distributing the assets were the court's requirement that Wife return certain carvings to Husband, the court's finding as to the value of the coins, and its finding that Wife did not dissipate assets when she sold the coins. As to the carvings, Wife testified that she had retained these items only because she was aware of their importance to Husband and she wanted to safeguard them while she moved so that the carvings could be returned to him intact.

Finally, Wife sold the coins in question during the course of the marriage. The trial court found that Wife did not dissipate those assets but, rather, that they were valued at $30,000, which Wife received for their sale. The court further found that the sale of the coins by Wife "was undertaken for a purpose related to the marriage[,] namely[,] the financial support of Wife." Appellant's App. at 21. Both the value of the coins and Wife's use of the sale proceeds to support herself during the marriage are supported by Wife's testimony, and Husband's arguments to the contrary are merely requests for this court to reweigh the evidence, which we will not do. We conclude that the trial court's valuation of the coins, its refusal to order Wife to pay that value to Husband, and its conclusion that Wife did not dissipate those assets were not clearly erroneous.

Given the lack of evidence as to the value of most of the parties' personal property, we conclude that the order was not defective when it did not state a precise formula upon which the trial court relied in dividing the marital property. It is the parties' burden to provide proof of the value of the marital assets, and a party's failure to do so waives appellate review of those assets. See Webb v. Schleutker, 891 N.E.2d 1144, 1155 (Ind. Ct. App. 2008) ("the doctrine of invited error precludes a party from complaining on appeal about an error it prompted."). Further, the court's valuation of the coins is supported by the evidence, as is the court's conclusion that Wife used the proceeds from the sale of the coins for a marriage-related purpose. We hold that the trial court's findings are supported by the evidence, that the trial court's conclusions are supported by those findings, and that the trial court's valuation and distribution of the marital assets is not clearly erroneous.

Conclusion

The trial court did not abuse its discretion when it declined to vacate the date of the final hearing because Husband was not able to depose a witness. Neither is the court's conclusion that Wife did not dissipate marital assets clearly erroneous. Finally, the court's distribution of the marital estate also is not clearly erroneous. Accordingly, we affirm the court's order in all respects.

Affirmed.

ROBB, C.J., and VAIDIK, J., concur.