NOT DESIGNATED FOR PUBLICATION
ARKANSAS COURT OF APPEALS
D. P. MARSHALL JR., Judge

DIVISION II

CA06-485

May 30, 2007

FREDA ANN QUARLES OWEN,

APPELLANT

v.

GERALD W. QUARLES,

APPELLEE

AN APPEAL FROM JEFFERSON COUNTY CIRCUIT COURT
[No. DR 2004-1161-4]

HONORABLE LEON N. JAMISON, CIRCUIT JUDGE

AFFIRMED AS MODIFIED

This divorce case turns on the circuit court's division of the Quarleses' property and debts after their brief marriage. Freda Quarles Owen appeals. We discern no clear error and, with a minor modification, affirm the circuit court.

Freda and Gerald married in the fall of 2000 and separated in the summer of 2004. This was a later-in-life union. Freda testified that before the marriage, she owned her own home and had a retirement account containing almost $300,000.00. She operated a business out of her home. Freda also testified that she inherited a home from her mother during the brief marriage. She borrowed against her retirement account and her separate home to help build the parties' marital home.

The circuit court awarded Freda her separate property and the property she inherited from her mother. The court also made Freda responsible for the debt on all this property. Gerald claimed that he was entitled to an interest in all this property because the parties had used marital funds to pay the mortgage debts and make improvements, but the court rejected that claim. (Gerald does not cross appeal that ruling.) The court directed the parties to sell the marital home and divide the net proceeds equally. The court then classified the parties' personal property as marital or separate and distributed it.

I. Personal Property. Freda argues the circuit court erred in finding that a grandfather clock, a china cabinet, and two leather recliners were marital property. She testified that Gerald bought these items as gifts for her. She also argues that a grandmother clock was hers before the marriage. In his brief on appeal, Gerald says that he made no claim for these items at trial and Freda can have them. We therefore modify the circuit court's decree, award Freda all these items as her separate property, and affirm on this issue as modified.

Freda also contends that the circuit court erred in classifying a Troy-Bilt lawn mower and a Polaris four-wheeler as Gerald's separate property. The parties offered conflicting testimony about these items. But disinterested third parties testified that the mower and four-wheeler were gifts from Freda to Gerald. The circuit court's resolution of these disputed facts was not clearly erroneous. *Johnson v. Cotton-Johnson*, 88 Ark. App. 67, 77, 194 S.W.3d 806, 812 (2004).

II. The Marital Home Proceeds. Relying on *Potter v. Potter*, 280 Ark. 38, 655 S.W.2d

382 (1983), Freda next argues that she should be allowed to recover the money from her IRA and other separate funds that went into the marital home. She seeks the first $80,000.00 of the sale proceeds to make herself whole. Freda bore the burden of tracing her separate property into the marital property. *Davis v. Davis*, 79 Ark. App. 178, 184, 84 S.W.3d 447, 450 (2002).

The parties gave conflicting accounts about how much money Freda put in the house and where her contributions came from. Freda testified about various amounts that she withdrew from her IRA during the marriage, including $40,000.00 for constructing the home. She also testified that she contributed proceeds from mortgages on her separate property to the purchase of the land for the marital home and the building project. She also tried to link various deposits into the parties' joint account to specific withdrawals from her IRA. The circuit court found, however, that Freda's testimony about the deposits was general and, in some cases, the deposits predated the IRA withdrawals. Gerald denied that Freda put $80,000.00 into the marital home. He testified that he provided the $20,000.00 used to buy the land for it and paid a contractor another $64,000.00 to build the house in part. He said the home cost him $162,000.00 total. Freda testified she had complained that Gerald was spending more than they could afford to build the house.

We affirm the circuit court's decision about the parties' marital home. Because the parties' transactions made tracing so difficult, the court was justified in declaring the house to be marital property. *Boggs v. Boggs*, 26 Ark. App. 188, 192, 761 S.W.2d 956, 958 (1988).

Moreover, one spouse's unequal contributions to marital property need not be recognized upon divorce. *McKay v. McKay*, 340 Ark. 171, 177, 8 S.W.3d 525, 529 (2000). No clear error occurred when the circuit court rejected Freda's request for $80,000.00 as the first fruits of the home sale.

III. Debts. Freda argues, finally, that the circuit court should have divided equally the debt for the four-wheeler and the two mortgages on her separate real estate. As the circuit court noted in its decision, however, Freda volunteered at trial to pay all these debts. The court did not err by accepting Freda's invitation. *Narup v. Narup*, 75 Ark. App. 217, 222, 57 S.W.3d 224, 227 (2001).

Affirmed as modified.

VAUGHT and HEFFLEY, JJ., agree.