

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-277

MICHAEL A. HARDY,
Former Husband,

Appellant,

v.

KIMBERLY HARDY,
Former Wife,

Appellee.

On appeal from the Circuit Court for Nassau County.
Robert M. Foster, Judge.

September 9, 2019

PER CURIAM.

Former Husband challenges two provisions of the final judgment dissolving his marriage to Former Wife: the provision awarding Former Wife all marital assets despite a magistrate's recommendation to divide the assets evenly, and the provision freezing his entire employee stock ownership plan and trust despite awarding Former Wife only half of it. We review for abuse of discretion the trial court's decision to reject part of the magistrate's recommendation. *Davis v. Lopez-Davis*, 162 So. 3d 19, 20 (Fla. 4th DCA 2014). Finding none, and finding the trial court's judgment supported by competent, substantial evidence, we affirm.

The unique facts of this case support the trial court's exercise of discretion. The evidence showed that Former Husband was an unemployed alcoholic with a history of domestic violence, who had not supported his family for over a year and lacked any means to do so. After the magistrate heard the issues and before the trial judge entered final judgment, Former Husband repeatedly violated a domestic-violence injunction and burned the marital home to the ground. He is now serving a 20-year prison sentence for arson, burglary, and aggravated stalking. After becoming aware of Former Husband's crimes, the trial court was within its discretion to freeze the entire stock ownership plan to protect Former Wife's rights to meaningful financial relief, including making up for the loss of the marital home. *See Johnson v. Ferguson*, 383 So. 2d 715, 716 (Fla. 3d DCA 1980) (noting Fla. R. App. P. 9.600(c) authorizes entry of orders necessary to protect party's rights pending appeal). Given the present state of facts, presumably Former Wife will pursue further proceedings on remand.

AFFIRMED.

RAY, C.J., and KELSEY and JAY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

John M. Merrett, Jacksonville, for Appellant.

William Mallory Kent of Kent & McFarland, Jacksonville, for Appellee.