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**IN THE
COURT OF APPEALS OF INDIANA**

THOMAS FINE,)
)
Appellant-Plaintiff,)
)
vs.)
)
ROBERT G. HARP and)
DELORES C. HARP,)
)
Appellees-Defendants.)

No. 82A04-0703-CV-139

APPEAL FROM THE VANDERBURGH SUPERIOR COURT
The Honorable Robert J. Pigman, Judge
Cause Nos. 82D04-0309-DR-917 and
82D03-0311-DR-5106

December 30, 2008

OPINION ON REHEARING - NOT FOR PUBLICATION

DARDEN, Judge

In a consolidated appeal arising from a petition for dissolution and a declaratory judgment action, Thomas Fine appealed the trial court's denial of his motion for relief from judgment pursuant to Indiana Trial Rule 60(B), and the determination that certain real property was not a marital asset. In a memorandum decision, we affirmed the trial court's denial of his motion for relief from judgment as well as the trial court's judgment in favor of Robert and Delores Harp (the "Harps"). See *Fine v. Harp*, No. 82A04-0703-CV-139 (Ind. Ct. App. Oct. 21, 2008). Fine has filed a petition for rehearing. The Harps have filed a motion requesting attorney fees pursuant to Indiana Appellate Rule 66(E). We issue this opinion on rehearing for the sole purpose of correcting the record; we affirm our opinion in all regards. We also hereby deny the Harps' motion for fees.

Fine contends that our statement that he "filed his belated and cursory response on June 29, 2008," is incorrect. See *Fine*, No. 82A04-0703-CV-139, slip op. at 3 n.2. This should have stated "July" rather than "June." Regarding the timeliness of the response, we ordered Fine to file a status report no later than July 21, 2008. We agree that Fine filed the status report on July 21, 2008; however, he did not provide the required number of copies. The Clerk's Office therefore mailed a notice of defect on July 24, 2008. Fine cured the defect on July 29, 2008.

We now grant rehearing for the limited purpose of correcting the above-quoted portion of the opinion so as to reflect that Fine originally filed his status report on July 21, 2008 and cured the filing defect on July 29, 2008. We deny the petition for rehearing in all other respects and deny the Harps' request for attorney fees.

BAKER, C.J., and BRADFORD, J., concur.