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**IN THE
COURT OF APPEALS OF INDIANA**

IN RE: THE MARRIAGE OF)

ANNA CALABRESE,)

Appellant-Petitioner,)

vs.)

ROBERT CALABRESE,)

Appellee-Respondent.)

No. 45A03-0509-CV-463

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable James Danikolas, Judge
Cause No. 45D03-0402-DR-113

December 20, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Petitioner, Anna Calabrese (Anna), appeals the trial court's Order denying her Petition for Increase in Child Support and failing to find her ex-husband, Appellee-Respondent, Robert Calabrese (Robert), in contempt of court for the non-payment of various debts.

We affirm.

ISSUES

Anna raises a number of issues on appeal, which we consolidate and restate as the following two issues:

- (1) Whether the trial court properly denied her Petition for Increase in Child Support; and
- (2) Whether the trial court properly refused to find Robert in contempt of court for not paying various household bills.

FACTS AND PROCEDURAL HISTORY

Anna and Robert Calabrese were married on April 1, 1978, and divorced on October 19, 2004. The trial court granted Anna physical custody of the couple's one unemancipated child, R.C., who has Down's Syndrome. Anna appealed the Decree, asserting numerous errors by the trial court. On September 20, 2006, in a Memorandum Decision, *Calabrese v. Calabrese*, Cause No. 45D03-0404-DR-113, we affirmed the trial court's findings and judgment in the Decree except for its calculation of spousal maintenance.

Beginning December 6, 2004, in the midst of her appeal of the Decree, Anna filed numerous motions, including a Motion for Increase in Child Support, Motion for Contempt for Non-Payment of Taxes, Motion for Contempt for Non-Payment of Monthly Expenses, Motion for Contempt for Non-Payment of Child Support, and a Motion for Production of Life Insurance Policy and Trust Documents. On May 31, 2005, a hearing was held on all of these motions. Thereafter, Anna filed a Motion for Contempt, Fraud, and Failure to Obey the May 31, 2005 “order,” although the trial court had not yet issued any order.

On July 21, 2005, the trial court did enter an Order based on the hearing held May 31, 2005, stating in pertinent part:

THE COURT NOW FINDS AND ORDERS:

1. That [Anna’s] Motion for Contempt, Fraud, and Failure to Obey The May 31, 2005 [c]ourt Order filed on June 27, 2005 is DENIED. The [c]ourt further finds that this document is frivolous, without merit and served no other purpose but to harass [Robert] and insult [Robert’s] attorney. [Anna] has been cautioned before regarding her filing document[s] with inflammatory statements regarding [Robert’s attorney] and may be subject to sanctions should she [continue] such behavior.
2. That [Anna’s] Motion for Contempt filed on December 6, 2004 and her Motion for Contempt for Non-Payment of Monthly Expenses filed on March 7, 2005 are DENIED as to any claim submitted for household expenses incurred prior to August 5, 2004. This [c]ourt found at the final hearing that [Robert] was current in support, and the payment of the household expenses.

...

As and for expenses incurred after August 5, [2004, Anna] submitted the following evidence:

A. Eenigenburg Softener & Water Supply	
Check # 1330 dated []	\$ 49.12
Check #1418 dated []	\$ 5.41
B. Osby Water Conditioning 2-28-05	\$ 65.00
C. Economy Well Service	<u>\$658.75</u>
	\$778.28

For those expenses, [Robert] is FOUND IN CONTEMPT for non-payment of these household expenses. [Robert] is ordered to pay to [Anna] the sum of \$778.28 within 30 days of this order.

- Further, pursuant to the Decree, [Robert] is responsible for the credit card debt that existed as of the date of the final hearing. [Anna] in her two petitions has requested reimbursement for payments made prior to August 5, 2004. At the time of the Decree [Robert] was found to be in compliance with the provisional orders, which would have included these payments. [Anna] has failed to present evidence to show she has made any payments on the credit card debt since August 5, 2004. It is not the [c]ourt's intent to relieve or modify [Robert's] obligation to pay the marital credit card debt pursuant to the Decree. [Anna] though has failed to present evidence that she has had to pay additional sums since the entry of the [D]ecree, or that she is entitled to indemnification for expenses associated with these debts. For this reason [Anna's] motions for contempt as they relate to credit card payments are DENIED.
- [Anna] further contends that [Robert] failed to make the payment of \$100.00 per month as ordered by the Decree. [Robert] admits that he did not begin to make the payments until December 2004, but states that as of the date of this hearing on May 31, 2005 he is only one month behind. [Robert] is FOUND IN CONTEMPT for failure to make the monthly payments as ordered by the Decree. [Robert] is ordered to bring current within 30 days of this [O]rder all the monthly installments due and owing since the entry of the Decree.

[Anna's] further request for contempt regarding non-payment of the 8% interest at the end of [the] year is DENIED.

- The [c]ourt finds that [Robert] was entitled to the insurance check that he tendered to [Anna] as and for partial payment of child support. Therefore, there is no arrearage on the child support and [Anna's]

Motion for Contempt for Non-Payment of Child Support filed on March 7, 2005 is DENIED.

6. That [Robert] admits he has failed to provide [Anna] with proof of life insurance as required by the Decree. [Robert] is FOUND IN CONTEMPT for his failure to timely produce verification. [Robert] is ordered to produce verification of life insurance to [Anna] within 30 days of this Order.
7. That [Robert] admits that he has failed to pay all the real estate taxes due to date. [Anna's] Motion for Contempt for Non[-]Payment of the Real Estate Taxes is GRANTED. [Robert] is ordered to pay the real estate taxes owed to date on the marital residence within 30 days of this [O]rder.
8. That as and for [Anna's] Motion for Increase in Child Support, the [c]ourt finds that [Anna's] income has not changed since the entry of the Decree and that there is no reason not to use the minimum wage figure for her on the child support worksheet. Further, based on [Robert's] 2004 tax return his gross income was \$43,124.00 based on his net business income and adding back his car and truck expenses. The [c]ourt did not include in his gross yearly income the long term capital gain he paid on the sale of the business property as that was a marital asset already distributed and that [Robert] was ordered to pay any tax consequences from its sale, which he has. It is not additional income to him for child support purposes.

Based on these findings [Robert's] weekly gross income was \$829.30. Even with no parenting time credit, the child support figure would only increase to \$124.80 which is not a 20% increase. Therefore, [Anna's] Motion for Increase in Child Support is DENIED.

9. That all other issues found in [Anna's] numerous contempt petitions not specifically mentioned herein are DENIED.

(Appellant's App. pp. 14-17).

Anna now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Anna disputes the trial court's findings and judgment contained in its July 21, 2005 Order. Specifically, Anna asserts sixteen separate "errors" by the trial court related primarily to its denial of her Motion for Increase in Child Support and its failure to find Robert in contempt of court for non-payment of various household bills. It is well settled, however, that the duty of presenting a record adequate for intelligent appellate review falls upon the appellant, as does the obligation to support the argument presented with authority and references to the record pursuant to Ind. Appellate Rule 46(A)(8). As in her appeal of the Decree, in the instant case, Anna presents a lengthy and disjointed list of arguments, amounting to no more than rambling allegations.

While we chose to parse out the arguments with merit in our review of Anna's prior appeal, we decline to do so here. The only contention before us that holds the possibility of intelligent review is the trial court's denial of her request to increase child support for R.C. However, because Anna requested modification of a child support order that had been in effect less than sixty days, by statute, modification was not possible at that time. *See* Ind. Code § 31-16-8-1. As for Anna's additional fifteen arguments pertaining to Robert's non-payment of household bills, Anna provides zero legal reasoning to support these accusations. Accordingly, due to Anna's unworthy arguments and lack of compliance with the Indiana Appellate Rules, we waive her entire argument for our review.

CONCLUSION

Based on the foregoing, we waive our review of Anna's appeal of the trial court's Order from July 21, 2005.

Affirmed.

KIRSCH, C.J., and FRIEDLANDER, J., concur.