

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
July 15, 2005 Session

DEBORAH L. CARPENTER v. RICK L. CARPENTER

**Appeal from the Circuit Court for Sumner County
No. 24422-C C.L. Rogers, Judge**

No. M2004-00668-COA-R3-CV - Filed September 15, 2005

This appeal involves the financial aspects of the dissolution of a 23-year marriage. The issues contested on appeal include the division of the marital property, the amount and type of alimony awarded, the satisfaction of a certain judgment, the admission of an expert's testimony, the denial of attorney's fees and the request for frivolous appeal damages. We affirm the trial court in all respects and deny the request for damages.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

WILLIAM B. CAIN, J., delivered the opinion of the court, in which WILLIAM C. KOCH, JR., P.J., M.S., and FRANK G. CLEMENT, JR., J., joined.

Michael W. Edwards, Russell E. Edwards, Hendersonville, Tennessee, for the appellant, Rick L. Carpenter.

Kimberley L. Reed-Bracey, Goodlettsville, Tennessee, for the appellee, Deborah L. Carpenter.

OPINION

I.

Deborah and Rick Carpenter were married on July 19, 1980, in Jefferson, Indiana. On July 14, 2003, Mrs. Carpenter filed a Complaint for Divorce against Mr. Carpenter on the grounds of adultery, inappropriate marital conduct, cruel and inhuman treatment, and irreconcilable differences. Mr. Carpenter was the primary financial provider for the duration of the 23 year marriage and there were no minor children when the Complaint was filed. Mrs. Carpenter requested an equitable division of the marital assets and debts and permanent alimony. The court granted Mrs. Carpenter a Restraining Order on July 14, 2003, enjoining and restraining Mr. Carpenter from spending marital funds on any individual of the opposite sex not related by blood or marriage, e.g. a paramour.

On August 20, 2003, Mr. Carpenter filed an Answer and Counter-Complaint where he denied inappropriate marital conduct, adultery, and cruel and inhuman treatment; but admitted irreconcilable differences. Mr. Carpenter admitted Mrs. Carpenter could have exclusive possession of the marital residence and counterclaimed that Mrs. Carpenter was guilty of inappropriate marital conduct, rendering cohabitation unsafe and improper.

On August 15, 2003, Mr. Carpenter filed a Motion asking the court to order Mrs. Carpenter to return any funds to the parties' joint account, claiming Mrs. Carpenter violated the court's Order of injunction by transferring an amount in excess of \$8,000 from the parties' joint account. Later that same day, Mr. Carpenter filed a "Corrected" Motion, wherein, he claimed Mrs. Carpenter had transferred \$18,000 from the parties' joint account in violation of the court's order of injunction.

Mrs. Carpenter filed a Response to Mr. Carpenter's "Corrected" Motion, where she made an accounting of the missing funds. Mrs. Carpenter denied any violation of the court's injunction as the monies spent from the joint account were used to pay marital bills including electric, water, YMCA, life insurance, credit cards, and the expenses of the parties' college-bound children, leaving \$84.00 remaining in the joint account. Mrs. Carpenter also averred that the parties closed on the sale of their Gatlinburg chalet and she placed the \$80,000 from the closure in a money market account. On April 16, 2003, the account had a value of approximately \$100,000.00. After Mr. Carpenter paid off the daughter's car as well as Mrs. Carpenter's car, purchased back a boat and Mrs. Carpenter paid for the daughter's school expenses, the balance remaining in the money market account totaled \$53,390.00. Mrs. Carpenter admitted that \$26,695.00 rightfully belonged to Mr. Carpenter. In addition, Mrs. Carpenter made a request for temporary support.

The court heard Mr. Carpenter's "Corrected" Motion on September 19, 2003 and entered an Order regarding the Motion on October 1, 2003. The Order stated in pertinent part:

1. IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the Wife has a need of Five Thousand Nine Hundred Dollars (\$5,900) per month and the Husband is capable of paying the same,
2. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the Husband shall be awarded a judgment of Eleven Thousand Seven Hundred Dollars (\$11,700) for the monies utilized by the Wife from his half of the proceeds of the sale of the Gatlinburg real property.
3. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT beginning the 19th day of September, 2003, the Husband shall pay unto the Wife Three Thousand Dollars (\$3,000) each and every month no later than the 15th day of each and every month towards said Five Thousand Nine Hundred Dollar (\$5,900) need. The remaining Two Thousand Nine Hundred Dollar (\$2,900) need shall be credited to the Eleven Thousand Seven Hundred Dollar (\$11,700) judgment.
4. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT were the parties not divorced by January 15th, 2004, that the January 15th obligation shall be Five Thousand Eight Hundred Thirteen Dollars (\$5,813) which shall give credit to the

Husband for the remaining Eighty-Seven Dollars (\$87) of the Eleven Thousand Seven Hundred Dollar (\$11,700) judgment due. Thereafter, and beginning February 15, 2004, the obligation shall be Five Thousand Nine Hundred Dollars (\$5,900).

...

On October 7, 2003, Mr. Carpenter filed a Motion to Vacate this Order, on the grounds that the Order was not consistent with the findings announced in open court at the pendente lite hearing on September 19, 2003. On October 15, 2003, Mr. Carpenter filed another Motion to vacate or modify the court's October 1, 2003 Order, in which Mr. Carpenter provided to the court excerpts from the trial court transcript at the September 19, 2003 hearing. Mrs. Carpenter filed a Response on October 23, 2003, stating that the Order as entered, reflected the findings of the court and the intent of the court's order. Additionally, Mrs. Carpenter alleged that she was in need of \$5,900 per month and to reduce that amount in any fashion would render Mrs. Carpenter unable to pay the marital bills. The court took Mr. Carpenter's Motion under advisement subject to the matter being set for a final hearing prior to the increased amount becoming due and payable on February 1, 2004.

On October 7, 2003, Mr. Carpenter filed a Motion to set the matter of divorce for final hearing and to allow Mr. Carpenter to list the properties owned by the parties for sale. Mrs. Carpenter filed a Response to Mr. Carpenter's Motion on October 23, 2003, where she requested that she be designated the agent on the sale of the rental properties owned by the parties and opposed listing the marital residence for sale. The court ordered the sale of all marital property except the marital residence at 941 Tyre Springs Road, White House, Tennessee.

A Final Order was entered on March 9, 2004, granting Mrs. Carpenter a divorce on the grounds of Mr. Carpenter's adultery. The court found Mrs. Carpenter had reasonable expenses of \$3,800.00 per month and Mr. Carpenter had reasonable expenses of \$2,800.00 per month. The court then awarded Mrs. Carpenter rehabilitative alimony in the amount of \$3,000.00 per month for 18 months beginning in March, 2004 and thereafter, \$2,000.00 per month for 42 months. With regard to the division of the marital assets and debts, the court awarded 58% of the assets to Mrs. Carpenter and 42% of the assets to Mr. Carpenter. Mrs. Carpenter was responsible for 43% of the marital debt and Mr. Carpenter was responsible for 57% of the marital debt. The court made the following specific findings of fact with regard to the parties:

1. The Husband, after 23 years of marriage left his Wife for another woman, with whom he now lives. The Wife is granted a divorce against the Husband on the grounds of Adultery.
2. The Wife, age 47, graduated from high school in 1975. She married in 1980. Her work history following the marriage consisted of factory labor and retail sales. She obtained her Real Estate License in 1989. She has used her license for purchasing investment property for she and her husband. The Wife has not been full-time employed since approximately 1989. The Wife is found to have been a primarily full-time mom, raising the parties two children, both now adults. The Wife has a pre-diabetic condition treated with medication. She suffers depression treated clinically. The Wife is 130 pounds overweight. The Wife has enjoyed a standard of living based upon an average income of \$161,000.00 of the Husband plus at times additional funds from real estate.

The Wife's reasonable estimated monthly expenses are found by the Court to be \$3,800.00. The Wife's requested expenses were found to include expenses for the adult children and excessive estimates in certain areas. The Wife has shown skill in real estate through the marriage but has not pursued it full-time. The Wife has shown skill in retail sales but has not pursued it full-time. The Wife states she will become full-time employed.

3. The Husband, age 52, is the Parts and Service Director for a large automobile dealership since 1991. He receives a base salary of \$3,000.00 per month in addition to which he receives a commission. His average annual gross income since 1998 has been \$161,227.00. The Husband also receives a business vehicle. A company representative testified that a 15% reduction in income is expected in parts and warranty work for the year 2004. The Husband provides the family health insurance. The Husband is in good health. The reasonable monthly expenses of the Husband are found to be \$2,800.00. The court finds the Husbands expenses were over estimated in certain areas. The requested expenses included expenses of his girlfriend and others in his current home.

...

5. The Husband agreed that the Wife is entitled to alimony. The Wife requests \$6,000.00 per month in futuro. The Husband presented no amount. The Husband objects to in futuro but gave no time period, income projections, or plan. The Wife should not be in a worse financial condition because of the Husbands conduct. The use of the marital property division in connection with the alimony is a part of the Court's intent to address the needs of the Wife. The Wife is economically disadvantaged as to being capable of such rehabilitation as to approach the standard of living enjoyed by the parties. The Court has considered the factors in T.C.A. 36-5-101 and finds the Wife has the capacity to earn some income in retail sales and to attempt to establish a real estate sales over time. The provisions for Wife with regard to marital property and debt will partially serve in meeting her needs. The Husbands annual income of \$161,000.00 less estimated tax, less \$2,800.00 per month reasonable expenses, and with the expected 15% reduction gives the Husband the ability to pay. The Court finds that this case is appropriate for rehabilitative alimony to provide the Wife a temporary source of income during her period of adjustment. The Court retains the authority to make appropriate adjustments. The Husband shall pay as rehabilitative alimony the sum of \$3,000.00 per month for 18 months beginning in March, 2004 and thereafter for 42 months the sum of \$2,000.00 per month...

6. Each party shall pay their own attorney's fees. The Court finds that the Wife has received sufficient resources under the property settlement...

Both parties appeal the decision of the trial court, raising eight issues on appeal. Mr. Carpenter contests (1) the division of the marital estate, (2) the \$3,000 per month rehabilitative alimony award, (3) the satisfaction of the \$11,700 judgment in his favor, (4) the temporary alimony award of \$5,900 per month, and (5) the allowance of the testimony of Mrs. Carpenter's expert witness. Mrs. Carpenter takes issue with (1) the award of rehabilitative alimony as opposed to alimony in futuro, (2) the denial of attorney's fees, and (3) she requests frivolous appeal damages. We affirm the trial court's judgment in all respects and deny Mrs. Carpenter's request for damages.

II. Division of Marital Estate

In Tennessee, a trial court has the duty to divide the marital property in an essentially equitable manner. Tennessee Code Annotated section 36-4-121(a)(1); *Miller v. Miller*, 81 S.W.3d 771, 775 (Tenn.Ct.App.2001). This does not mean, however, that the division of marital property is inequitable simply because it is not equal. *Robertson v. Robertson*, 76 S.W.3d 337, 341 (Tenn.2002). The fairness of the trial court's approach is judged in its final results. *Bolin v. Bolin*, 99 S.W.3d 102, 107 (Tenn.Ct.App.2002); *Watters v. Watters*, 959 S.W.2d 585, 591 (Tenn.Ct.App.1997).

The trial court does not adhere to a mechanical process in the division of the marital estate, but is guided by the factors listed in Tennessee Code Annotated section 36-4-121(c). *Kinard v. Kinard*, 986 S.W.2d 220, 230 (Tenn.Ct.App.1998). Furthermore, the trial court is given wide latitude in determining the equitable division of marital property and as a result, appellate courts give great weight to the trial court's decision. *Fisher v. Fisher*, 648 S.W.2d 244, 246 (Tenn.1983); *Edwards v. Edwards*, 501 S.W.2d 283, 288 (Tenn.Ct.App.1973). This Court, therefore, will defer to the trial court's division of the marital estate unless the division is not supported by a preponderance of the evidence or is inconsistent with the factors listed in Tennessee Code Annotated section 36-4-121(c). *Brown v. Brown*, 913 S.W.2d 163, 168 (Tenn.Ct.App.1994).

Mr. Carpenter claims that the trial court must consider marital debt when making an equitable division of the marital property. *Robertson v. Robertson*, 76 S.W.3d at 341 (Tenn.2002). The trial court awarded Mr. Carpenter 42% of the marital estate and 57% of the marital debt, resulting in only 28% net worth of the estate to Mr. Carpenter and 72% net worth of the estate to Mrs. Carpenter. Mr. Carpenter claims this is inequitable pursuant to the factors in Tennessee Code Annotated section 36-4-121(c), which states:

(c) In making equitable division of marital property, the court shall consider all relevant factors including:(1) The duration of the marriage;(2) The age, physical and mental health, vocational skills, employability, earning capacity, estate, financial liabilities and financial needs of each of the parties;(3) The tangible or intangible contribution by one (1) party to the education, training or increased earning power of the other party;(4) The relative ability of each party for future acquisitions of capital assets and income;(5) The contribution of each party to the acquisition, preservation, appreciation, depreciation or dissipation of the marital or separate property, including the contribution of a party to the marriage as homemaker, wage earner or parent, with the contribution of a party as homemaker or wage earner to be given the same weight if each party has fulfilled its role;(6) The value of the separate property of each party;(7) The estate of each party at the time of the marriage;(8) The economic circumstances of each party at the time the division of property is to become effective;(9) The tax consequences to each party, costs associated with the reasonably foreseeable sale of the asset, and other reasonably foreseeable expenses associated with the asset;(10) The amount of social security benefits available to each spouse; and(11) Such other factors as are necessary to consider the equities between the parties.

Tenn. Code Ann. § 36-4-121

Many factors weigh in favor of Mrs. Carpenter in the division of the marital estate. The trial court found that the parties had a marriage of long duration, as they were married a total of 23 years. The court also found that Mrs. Carpenter was 47 years old at the time of divorce with prior vocational skills limited to factory labor and retail sales, although she obtained her real estate license in 1989. She was the primary care provider to the parties' two children and had not worked full-time since 1989. Additionally, Mrs. Carpenter suffers from deteriorating health as she is 130 pounds overweight, pre-diabetic, and clinically depressed. Mr. Carpenter however, was found to be in good health and able to continue working as a Parts and Service Director for a large automobile dealership, grossing an average annual income of \$161,227.00. Furthermore, the trial court made the specific finding in its Order that, "[t]he Wife should not be in a worse financial condition because of the Husbands conduct. The use of the marital property division in connection with the alimony is a part of the Court's intent to address the needs of the Wife...The provisions for Wife with regard to marital property and debt will partially serve in meeting her needs." We find that the trial court did not err in the division of the marital estate.

III. The Rehabilitative Alimony Award

Much the same as with the division of the marital estate, the trial court is granted broad discretion to determine whether spousal support is required and if so, the nature, amount, and duration. *Bratton v. Bratton*, 136 S.W.3d 595, 605 (Tenn.2004). As a result, appellate courts are disinclined to alter a trial court's spousal support decision unless an incorrect legal standard was applied or the decision reached is clearly unreasonable. *Bogan v. Bogan*, 60 S.W.3d 721, 733 (Tenn.2001).

There are four classes of support recognized in Tennessee, including alimony in futuro, alimony in solido, rehabilitative alimony, and transitional alimony. Tennessee Code Annotated section 36-5-101(d)(1) reflects a preference towards the award of rehabilitative or transitional alimony as opposed to alimony in futuro. *Bratton v. Bratton*, 136 S.W.3d at 605 (Tenn.2004). Alimony in futuro is generally intended to provide long-term support to an economically disadvantaged spouse who is unable to be rehabilitated. *Burlew v. Burlew*, 40 S.W.3d 465, 471 (Tenn.2001). On the other hand, rehabilitative alimony enables an economically disadvantaged spouse to acquire additional education or training so as to allow them to reach a standard of living comparable to the standard of living enjoyed during the marriage or the post-divorce standard of living expected to be available to the other spouse. Tennessee Code Annotated section 36-5-101(d)(1)(C) (Supp.2004); *Robertson v. Robertson*, 76 S.W.3d at 340-41 (Tenn.2002).

The determination of the type, amount and duration of spousal support is a fact-intensive inquiry, which requires the court to consider the various factors listed in Tennessee Code Annotated section 36-5-101(d)(1)(C). *Robertson v. Robertson*, 76 S.W.3d at 338 (Tenn.2002). The two factors considered most relevant among the list are the economically disadvantaged spouse's need and the obligor spouse's ability to pay. *Robertson v. Robertson*, 76 S.W.3d at 342 (Tenn.2002).

Mr. Carpenter claims that it was error for the trial court to award Mrs. Carpenter \$3,000 per month rehabilitative alimony as that is beyond what he has the ability to pay. However, the record supports the trial court's determination that \$3,000 per month is reasonable based upon the specific facts of the case. It was shown that Mr. Carpenter has an average annual income of \$161,227.00 less estimated tax, with an expected 15% reduction in income expected in parts and warranty work for the year 2004. Taking into account Mr. Carpenter's other financial obligations, the court found that Mr. Carpenter has reasonable expenses of \$2,800 per month, leaving Mr. Carpenter with a sizable expendable income. The court also weighed the parties relative earning capacities, ages, and physical and mental conditions and found that Mr. Carpenter had the ability to pay and Mrs. Carpenter clearly had a need. We therefore, agree with the trial court that the proper amount of spousal support here, is \$3,000 per month.

Another issue, raised by Mrs. Carpenter on appeal, concerns the court's award of rehabilitative spousal support instead of alimony in futuro. Mrs. Carpenter contends that based upon the trial court's findings, she is entitled to alimony in futuro as opposed to rehabilitative alimony.

Mrs. Carpenter relies on the court's Order which states, "The Wife is economically disadvantaged as to being capable of such rehabilitation as to approach the standard of living enjoyed by the parties," as evidence that she is not capable of rehabilitation and thus entitled to an award of alimony in futuro. The Court disagrees with Mrs. Carpenter's interpretation of the trial court's Order, and believes that instead, the trial court merely meant that Mrs. Carpenter is economically disadvantaged, not that she is incapable of rehabilitation.

The Court's interpretation of the Order is supported by the trial court's finding that Mrs. Carpenter has shown skill in both real estate and retail sales, but had not pursued these occupations full-time; and that Mrs. Carpenter has the capacity to earn some income in pursuit of these skills over time. Furthermore, trial courts are encouraged to use the division of marital property to assist in the meeting of the disadvantaged spouse's financial needs. *Robertson v. Robertson*, 76 S.W.3d at 341 (Tenn.2002). In this case, the trial court did so stating, "The provisions for Wife with regard to marital property and debt will partially serve in meeting her needs...The Court finds that this case is appropriate for rehabilitative alimony to provide the Wife a temporary source of income during her period of adjustment." Based upon the foregoing, the Court finds the trial court did not err in its determination that rehabilitative alimony is the proper type of spousal support in this situation.

IV. The Satisfaction of the \$11,700 Judgment

Mr. Carpenter claims that the trial court erred in refusing to vacate or modify the October 1, 2003, Order, which granted Mr. Carpenter an \$11,700 judgment against Mrs. Carpenter from the sale of the Gatlinburg property. Mr. Carpenter asserts that Mrs. Carpenter actually owed him \$17,395. He contends that Mrs. Carpenter admitted to owing him \$26,695 for his share of the proceeds from the Gatlinburg chalet sale in Mrs. Carpenter's Response to Mr. Carpenter's "Corrected" Motion dated August 22, 2003. Mr. Carpenter concedes that the trial court correctly deducted \$9,300 from the total amount owed to him, as that amount was paid by Mrs. Carpenter to close on the purchase of Mr. Carpenter's new home. Mr. Carpenter however, disputes the remaining deductions.

Mrs. Carpenter claims the additional deductions rightfully included \$3,000.00 paid for marital bills, \$300.00 earnest money for Mr. Carpenter's new home, and \$2,650.00 for Mrs. Carpenter's attorney paid with Mr. Carpenter's full knowledge. In addition, Mrs. Carpenter contends that the court asked Mr. Carpenter if he had any objections to the order reflecting that the judgment be deemed satisfied and Mr. Carpenter voiced no objections at that time. The court then stated that it would "wind up" the matter in the order. Mrs. Carpenter claims that this inaction resulted in a stipulation; and because Mr. Carpenter stipulated that the \$11,700 judgment had been paid in full, he is precluded from the raising the issue on appeal.

A stipulation is an agreement between counsel with respect to business before a court. *State v. Ford*, 725 S.W.2d 689, 691 (Tenn.Cr.App.1986). They are favored by the courts and are to be encouraged and enforced as they expedite the business of courts. *State v. Ford*, 725 S.W.2d at 691 (Tenn.Cr.App.1986). Oral stipulations made during the course of a trial are also valid. *Bearman v. Camatsos*, 385 S.W.2d 91, 93 (Tenn.1964). When a party makes a stipulation, then that party must abide by his decision, even on appeal. *Mast Advertising & Publishing Inc. v. Moyers*, 865 S.W.2d 900, 903 (Tenn.1993).

Mr. Carpenter stipulated to the satisfaction of the \$11,700 judgment by his failure to object when the trial court asked if there were any objections to the order stating such. Furthermore, Mrs. Carpenter relied on this stipulation as the court precluded her from redirect examination concerning the amount of the judgment stating, "I don't see the need to talk any more about it." The trial court did not err in respect to this issue.

V. The Temporary Alimony Award

In a related matter, Mr. Carpenter also claims it was error for the trial court to award Mrs. Carpenter \$5,900 per month temporary alimony as the trial judge stated in open court that Mr. Carpenter only had the ability to pay \$3,000 per month. In support of his position, Mr. Carpenter relies on an excerpt from the trial court's pendente lite hearing where the judge stated, "...The reasonable needs for the Plaintiff are shown to be \$5,900. There we are. The reasonable ability of the defendant is shown to be a payment of \$3,000 a month... The \$3,000 is all I can squeeze out of this defendant right now." In reliance on this excerpt, Mr. Carpenter claims that the court intended to award Mrs. Chapman \$3,000 per month in temporary alimony, which would be credited towards the \$11,700 judgment owed to Mr. Carpenter from the sale of Gatlinburg chalet, and thereafter, \$3,000 per month until the final hearing.

Instead, the trial court's Order dated October 1, 2003, granted Mrs. Carpenter \$5,900 per month payable at \$3,000 per month until the \$11,700 judgment was satisfied, with the January 2003 payment to be \$5,813, to allow Mr. Carpenter to recoup the remaining \$87 deficiency. The court then ordered that Mr. Carpenter pay Mrs. Carpenter the full \$5,900 per month after the judgment was satisfied up until the time of the final hearing.

It is a well known rule that a court speaks through its judgments and orders entered upon its minutes. *Palmer v. Palmer*, 562 S.W.2d 833, 837 (Tenn.App.1977); *Rogers v. Sain*, 679

S.W.2d 450, 452 (Tenn.App.1984). As such, the October 1, 2003 Order, must be regarded as the authoritative and effective action of the trial court, whereby, the statements made by the trial judge in open court during the *pendente lite* hearing have no authoritative value and are inconsequential to the determination of this issue. Based upon Mrs. Carpenter's increased need as a result of paying the marital bills during the period prior to final hearing and Mr. Carpenter's ability to pay, we find that the trial court made no error in ordering Mr. Carpenter to pay \$5,900 per month temporary support.

VI. Mrs. Carpenter's Expert Witness

Mr. Carpenter finally claims that it was error for the trial judge to admit the testimony of Mrs. Carpenter's expert witness. Relying on Tennessee Rule of Evidence 702, Mr. Carpenter claims that Mrs. Carpenter's expert testified as to the amount of alimony due Mrs. Carpenter, which did not require "scientific, technical, or other specialized knowledge," as required by Rule 702. Mr. Carpenter asserts that this was reversible error and warrants remanding the case for a new trial.

We disagree with Mr. Carpenter's contention. The allowance of expert testimony and qualifications of expert witnesses are matters generally entrusted to the sound discretion of the trial court. *State v. Anderson*, 880 S.W.2d 720, 728 (Tenn.Cr.App.1994). The trial court's decision regarding such will be upheld on appeal absent a clear abuse of discretion. *State v. Williams*, 657 S.W.2d 405, 411 (Tenn.1983). Furthermore, it appears from the record that the trial judge did not give much credence to the testimony of Mrs. Carpenter's expert. The trial court stopped the expert during his examination and later when referring to the expert's testimony stated, "Well, I've still got under advisement your request to disallow the expert. But I don't really see much here...other than [the expert's] taken some assumed figures that he was given." This Court, therefore, finds the trial court did not commit reversible error in admitting the testimony of Mrs. Carpenter's expert.

VII. Damages and Attorney's Fees

The final issue in this case concerns the trial court's denial of Mrs. Carpenter's request for attorney's fees for the litigation of the trial and Mrs. Carpenter's request for damages against Mr. Carpenter for a frivolous appeal. In the context of a divorce proceeding, attorney's fees are treated as alimony in solido. *Gilliam v. Gilliam*, 776 S.W.2d 81, 86 (Tenn.App.1989). In deciding whether to award attorney's fees, the trial court reviews the statutory factors used in determining alimony awards. *Houghland v. Houghland*, 844 S.W.2d 619, 623 (Tenn.App.1992); Tennessee Code Annotated section 36-5-101(d)(1). Because support decisions are fact-intensive and require the consideration of numerous factors, appellate courts generally give wide latitude to the trial court's discretion. *Crawford v. Crawford*, 772 S.W.2d 48, 50 (Tenn.Ct.App.1989). The trial court found that each party should pay their own attorney's fees and that Mrs. Carpenter "ha[d] received sufficient resources under the property settlement" to do so. We cannot say that the trial court abused its discretion in the decision to deny Mrs. Carpenter's request for attorney's fees.

With regard to frivolous appeal damages, the appellate court has the discretion to award damages against the appellant when it appears to the court that the appeal is frivolous. *Williams v. Williams*, No. E1999-02750-COA-R3-CV, 2000 WL 816821, at *2 (Tenn.Ct.App. June 23, 2000). The damages which may be awarded include, but are not limited to costs, those expenses incurred by the appellee as a result of the appeal, and interest. Tennessee Code Annotated section 27-1-222. The Court does not find that Mr. Carpenter's appeal is frivolous and thus, Mrs. Carpenter's request for damages is denied.

This is another very fact-sensitive divorce case in which neither party is satisfied with the decision of the trial court, and both seek appellate review. There is little in the record to justify appellate intervention on matters which address themselves to the broad discretion of the trial court. Seldom, indeed, can any court satisfy all parties to litigation nor is there any obligation to do so. In this case the trial court has made its decision and acted within its discretion as to all matters before this Court on appeal. The trial court has not abused its discretion, and its factual findings are not contrary to the preponderance of the evidence. The appellate inquiry is at an end. *Brown*, 913 S.W.2d 163; *Barnhill v. Barnhill*, 826 S.W.2d 443 (Tenn.Ct.App.1991).

The judgment of the trial court is in all respects affirmed, and costs on appeal are assessed equally to the parties. The case is remanded to the trial court for such further proceedings as may be necessary.

WILLIAM B. CAIN, JUDGE