

R E L E A S E

JANUARY 25, 2002

GEAUGA

2000-G-2320 KARENANN JONES PRICE, Plaintiff-Appellee v. PHILIP MATHER PRICE, Defendant-Appellant.

Judgment affirmed in part, reversed in part, and remanded. Christley, J., dissents with Dissenting Opinion. See Opinions and Judgment Entry. [GRENDALL] (FORD) (CHRISTLEY)

DOMESTIC RELATIONS/PROPERTY:

Husband did not present evidence tracing his separate property in residence the couple built as the house was vastly overbuilt. It is impossible to distinguish which part of the appraised value of the home is husband's separate property and what is marital. Husband did document the funds spent in buying forty acres of vacant land came from his separate funds as well as the down payment for a home. That remains his separate property.

PORTAGE

2001-P-0145 STATE OF OHIO, Plaintiff-Appellee v. SARAH A. DRIESBAUGH, Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [FORD] (CHRISTLEY) (NADER)

APPELLATE REVIEW:

In a criminal case, there must be a sentence which constitutes a judgment or a final order which amounts to a disposition of the cause before there is a basis for appeal.

TRUMBULL

2000-T-0078 MAUREEN P. ALTENO, Plaintiff-Appellant v. LEONIDAS J. ALTENO, Defendant-Appellee.

Judgment affirmed. Grendell, J., concurs in part, dissents in part, with Concurring/Dissenting Opinion. See Opinions and Judgment Entry. [O'NEILL] (NADER) (GRENDALL)

DOMESTIC RELATIONS/CHILD SUPPORT:

A temporary child support order is *pendente lite*. The purpose of the temporary order is to preserve the status quo through the proceeding.

DOMESTIC RELATIONS/PROPERTY:

When determining whether property is separate or marital, it is error for a court to rely solely on the doctrine of transmutation without addressing the traceability of funds. When determining if transmutation has occurred, the court should consider: the intent of the parties; the source of the funds used to acquire the property; the surrounding circumstances; the dates of the marriage, separation, acquisition of the property, and claimed transmutation; any inducement for the purposes of the transaction; and the value of the property and its significance to the parties.

REAL PROPERTY/FIXTURES:

One item of personal property that is attached to a second item of personal property is not a fixture. To determine if an item is a fixture a court can consider: the nature of the property, the manner in which it is attached to the real property, the purpose of the attachment, the intention of the party who attached the item, the degree of difficulty to remove the item, and the damage to the remaining property after the item is removed.

REAL PROPERTY/TRUSTS:

A resulting trust is an equitable trust that seeks to enforce the intentions of the parties. A constructive trust is a remedial device for the prevention of fraud or unjust enrichment.