

NOT DESIGNATED FOR PUBLICATION

No. 98,772.

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

In the Matter of the Marriage of

Carla Lee GUIHER-WHITE,

Appellee,

and

Christopher W. WHITE,

Appellant.

July 18, 2008

MEMORANDUM OPINION

Appeal from Johnson District Court; Thomas M. Sutherland, Judge.

Christopher W. White, appellant pro se.

Carla Guiher-White, appellee pro se.

Before GREENE, P.J., MARQUARDT and LEBEN, JJ.

PER CURIAM.

This domestic appeal arises from a tortured and confusing series of proceedings before hearing officers and the district court in Johnson County, framing a host of post-divorce questions. The parties are undoubtedly familiar with the detailed factual and procedural history, and we need not detail it here.

In this appeal, Christopher White challenges the district court's denial of his "Motion to Appeal" the most recent hearing officer decision. He argues: (1) the parties' settlement agreement was nullified when his ex-spouse voluntarily breached its terms regarding their jointly

owned dog or was inappropriately modified by the district court; (2) he failed to receive service of notice of a hearing on April 28, 2006; and (3) a conflict of interest existed between the Trustee's office and his ex-spouse.

When this court is called upon to review the district court's actions which are contrary to an existing separation and property settlement agreement, the court's standard of review is abuse of discretion. Judicial discretion is abused when judicial action is arbitrary, fanciful, or unreasonable. If reasonable persons could differ as to the propriety of the action taken by the trial court, then it cannot be said that the trial court abused its discretion. *In re Marriage of Bradley*, 282 Kan. 1, 7, 137 P.3d 1030 (2006).

With regard to the first two issues summarized above, we conclude these were resolved by the district court in June 2006, and no appeal to this court was taken. Res judicata prevents any further review of these issues. See *Waterview Resolution Corp. v. Allen*, 274 Kan. 1016, 1023, 58 P.3d 1284 (2002).

With regard to the third issue, we have reviewed the record in detail and find no verified support for the allegations of conflict of interest. We view the district court's resolution of this claim as a negative finding and will not disturb that finding on review absent proof of an arbitrary disregard of undisputed evidence or some extrinsic consideration such as bias, passion, or prejudice, none of which appears in the record. See *In re Marriage of Kuzanek*, 279 Kan. 156, 159-60, 105 P.3d 1253 (2005).

We believe the district court thoroughly and painstakingly addressed claims of appellant, and we affirm in part under Rule 7.042(b), (e), and (f) (2007 Kan. Ct. R. Annot. 55).

Affirmed.