

NOT DESIGNATED FOR PUBLICATION

No. 99,190

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

In the Matter of the Marriage of

JOHN ANDREW STEER, SR.,
Appellee,

and

CATHERINE MARIE STEER,
Appellant.

MEMORANDUM OPINION

Appeal from Cherokee District Court; OLIVER KENT LYNCH, judge. Opinion filed May 8, 2009. Affirmed.

Catherine Marie Steer, appellant pro se.

No appearance by the appellee.

Before GREENE, P.J., PIERRON and STANDRIDGE, JJ.

Per Curiam: Catherine Marie Steer filed a pro se appeal of the division of property following her divorce from John Andrew Steer.

John filed for divorce in March 2007. The district court conducted a hearing regarding the division of property on June 18, 2007. Simultaneously, the court considered evidence regarding a contempt action concerning a protection from abuse (PFA) action against John. Both Catherine and John testified at the hearing. Catherine was represented by Kansas Legal Services.

This case did not involve a great deal of money, but it generated a great deal of emotion in the division of personal property. The district court found the parties were incompatible and granted a divorce. The court ordered each party to be responsible for debts incurred since the divorce. One particular item of personal property, a 1994 pickup truck, was the center of much attention. The court found John to be in contempt in the PFA matter, but that John could purge himself of the contempt by delivering the 1994 pickup in operable condition or a suitable substitute to Catherine within 30 days. The court stated this would facilitate Catherine's transportation needs by allowing her to move out of the couple's trailer home, and in turn allow John to take possession of the trailer home. The court filed a journal entry on July 26, 2007.

On July 31, 2007, Catherine filed a pro se appeal of the divorce. That same day, the district court granted the motion from Kansas Legal Services to withdraw as Catherine's counsel. The court certified Catherine's indigency and found the appeal should be docketed in *forma pauperis*. On September 1, 2007, Catherine sent a letter to the court stating that

John had not delivered the 1994 pickup and had not paid for the repair of damages to the front door of the trailer home. She wanted John arrested for contempt. On September 5, 2007, the court sent Catherine a letter indicating that she needed to file the appropriate pleadings for a contempt hearing, that court employees could not advise her how to proceed or present her case, and that it was inappropriate for her to have ex parte communications with the court.

John has not filed a brief in the appeal. In Catherine's brief, she quotes lengthy sections of testimony by the parties and indicates she has receipts for items she purchased before and after the marriage. She asks that her name remain Steer for social security purposes. She claims to have sold "the man's" cross diamond ring to help pay for the damages to the front door, but that she is entitled to \$225 for additional costs.

For her first argument, Catherine claims the district court erred in denying her motion for leave to amend the petition. Under this argument, Catherine claims her attorney would not present any and all receipts on deposits, computers, appliances, and furniture; that John improperly sold property; that she has pictures of property; and that John violated the PFA order over 13 times.

Catherine devotes multiple pages of her brief to a list of all the items she claims John took from the trailer home prior to the property division (March 5, 2007), and then a

list of items John took a year later (March 10, 2008). Catherine then provides a list of items she has in her possession or would like to be in her possession.

As her second issue, Catherine claims the district court erred in failing to allow the amendment of the pretrial order to state a claim for reformation of the divorce agreement and easement. Catherine's argument on the second issue involves the court's alleged failure to act on John's violations of the PFA order.

The first problem with Catherine's appeal is that we have combed through the record and have found no pleadings, or even a reference to, a motion for leave to amend the petition or a motion to amend the pretrial order to state a claim for reformation of the divorce agreement and easement. On appeal, it is Catherine's burden to designate and furnish a record showing error. Without such a record, the claim of alleged error fails. *State v. Paul*, 285 Kan. 658, 670, 175 P.3d 840 (2008). We simply have no way of reviewing Catherine's complaints. Conclusory allegations without factual support are not sufficient to show error. *Sullivan v. State*, 222 Kan. 222, 223, 564 P.2d 455 (1977).

The second problem with Catherine's appeal is her inadequate brief. The brief is nothing more than quotes from the property division hearing and lists of property she claims are either in her or John's possession. The division of property in a divorce case is very factual in nature and, consequently, quite fact specific in relation to supporting case

authority. Catherine has failed to cite a standard of review or any case law supporting her position. A pro se litigant is held to the same standard applied to all civil litigants: to know and follow the appropriate procedural rules. *Guillory v. State*, 285 Kan. 223, 229, 170 P.3d 403 (2007).

It is quite clear that Catherine is disappointed and frustrated with the district court's division of property. When reviewing a division of marital property, certain basic principles guide our analysis. Foremost, the district court has broad discretion in adjusting the property rights of parties involved in a divorce action, and we will not disturb the exercise of that discretion absent a clear showing of abuse. *In re Marriage of Wherrell*, 274 Kan. 984, 986, 58 P.3d 734 (2002).

We are a court of law, not a court of fact. We are provided with a cold record of the proceedings in the district court. The district court hears the evidence and renders its judgment on a fair and equitable division of marital property. Hence, the judgment of the district court will not be disturbed without an affirmative showing of an abuse in the exercise of discretion. See *Simmons v. Simmons*, 223 Kan. 639, 643, 576 P.2d 589 (1978).

K.S.A. 60-1610(b)(1) provides criteria that a district court is required to consider in dividing marital property. The court must consider the age of the parties, the length of the marriage, the property itself, the parties' present and future earning capacities, how and

when the property was acquired, each party's family obligations, whether maintenance has been awarded, whether either party has dissipated assets, any tax consequences that may arise from dividing the property, and any other factors the court considers appropriate in making a fair division of property. "Nowhere in any of our decisions is it suggested that a division of all the property of the parties must be an equal division in order to be just and reasonable." *In re Marriage of Cray*, 254 Kan. 376, 386, 867 P.2d 291 (1994) (quoting *LaRue v. LaRue*, 216 Kan. 242, 250, 531 P.2d 84 [1975]); see *In re Marriage of Roth*, 28 Kan. App. 2d 45, 48-49, 11 P.3d 514 (2000).

Unless we are to conclude that no reasonable judge would have reached the result ordered below, the district court's decision must be affirmed. Catherine has failed to present an adequate record which would support an argument concerning any alleged inequitable division of marital property.

Affirmed.