

NOT DESIGNATED FOR PUBLICATION

No. 107,826

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

In the Matter of the Marriage of:

LAMAN MAMEDOVA,  
*Appellee,*

and

AMRAX ILIASSON,  
*Appellant.*

MEMORANDUM OPINION

Appeal from Riley District Court; PAUL E. MILLER, judge. Opinion filed February 8, 2013.  
Remanded with directions.

*Bentson Oleen*, of Oleen Law Firm, of Manhattan, for appellant.

*Brenda J. Bell*, of Brenda J. Bell, P.A., of Manhattan, for appellee.

Before ATCHESON, P.J., PIERRON, J., and LARSON, S.J.

*Per Curiam:* Respondent Amrax Iliasson appeals the property settlement the Riley County District Court entered in this divorce case on the grounds that Petitioner Laman Mamedova received an inequitable share of their assets or, in the alternative, that the decree provides insufficient findings to support the division. We conclude the divorce decree fails to explain the property division with enough particularity to allow meaningful review and, therefore, remand for additional findings.

Iliasson and Mamedova married in Azerbaijan almost 25 years ago and later emigrated from Israel to the United States. They have no children. Mamedova filed for divorce last year. The district court held a lengthy hearing in the divorce that got into matters of marital discord and the division of property. We gather the couple kept separate bank accounts and otherwise segregated many of their assets during the marriage. They jointly owned a house in Riley County and real estate in Azerbaijan.

Following the hearing, the district court entered a brief divorce decree on December 12, 2011. The decree identifies what appear to be eight accounts and divides them between Iliasson and Mamedova. The decree directs that the Azerbaijan property be sold and the proceeds divided equally. And the decree grants the Riley County home to Mamedova. There seems to be about \$30,000 equity in the home.

The decree ascribes no individual or collective value to the accounts given to Iliasson or to Mamedova. Nor does the decree offer any explanation for the property division generally. The decree is not a pared down version of a more expansive bench ruling from the district court. The district court took the disputed issues under advisement at the end of the hearing.

A district court is afforded extremely broad discretion to divide property between divorcing spouses, and its determination will be upset on appeal only for an abuse of that discretion. See *In re Marriage of Wherrell*, 274 Kan. 984, 986, 58 P.3d 734 (2002). In his brief on appeal, Iliasson suggests Mamedova received roughly two-thirds of the marital assets. He says that amounts to an abuse of discretion.

A district court may be said to have abused its discretion if the result it reaches is "arbitrary, fanciful, or unreasonable." *Unruh v. Purina Mills*, 289 Kan. 1185, 1202, 221 P.3d 1130 (2009). That is, no reasonable judicial officer would have come to the same conclusion if presented with the same record evidence. An abuse of discretion may also

occur if the court fails to consider or to properly apply controlling legal standards. *State v. Woodward*, 288 Kan. 297, 299, 202 P.3d 15 (2009). A trial court errs in that way when its decision "goes outside the framework of or fails to properly consider statutory limitations or legal standards." 288 Kan. at 299 (quoting *State v. Shopteese*, 283 Kan. 331, 340, 153 P.3d 1208 [2007]). Finally, a trial court may abuse its discretion if a factual predicate necessary for the challenged judicial decision lacks substantial support in the record. *State v. Ward*, 292 Kan. 541, Syl. ¶ 3, 256 P.3d 801 (2011), cert. denied 132 S. Ct. 1594 (2012) (outlining all three bases for an abuse of discretion).

There is no fixed formula for dividing marital property in a divorce. And no particular percentage of assets awarded one spouse automatically or even necessarily signals an abuse of discretion. See *In re Marriage of Vandenberg*, 43 Kan. App. 2d 697, 715, 229 P.3d 1187 (2010). Given the record and the abbreviated divorce decree, we are not prepared to say the district court abused its discretion. The district court very well may not have. The problem is we can't tell.

While judicial rulings generally ought to be lauded for getting to the point with an economy of words and reasoning, there can be too much of a good thing when it comes to brevity. This is an instance in which terseness has become a vice. District courts must provide sufficient findings and conclusions to explain in a meaningful way the factual and legal bases for their decisions. The purpose, in part, is to provide an appellate court with a determination that can be assessed for factual support in the record, legal backing in statutory or case authority, and valid reasoning tying the two together. See *In re Adoption of Chance*, 4 Kan. App. 2d 576, 580, 609 P.2d 232, rev. denied 228 Kan. 806 (1980).

Here, we effectively have what amount to legal conclusions in the divorce decree dividing assets between Iliasson and Mamedova without factual findings as to the value of much of the property or stated reasons from the district court for that division of

property. While the value of particular assets might not be necessary depending on the explanation for the division, that explanation most certainly is essential to our consideration.

We, therefore, remand the case to the district court for further findings and conclusions setting forth the reasoning behind and explanation for the division of property contained in the divorce decree.