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2019 IL App (4th) 180710-U

NO. 4-18-0710

FILED
October 4, 2019
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re MARRIAGE OF	)	Appeal from the
GRANT FOWLER,	)	Circuit Court of
Petitioner-Appellant,	)	McLean County
and	)	No. 13D260
STEPHANIE FOWLER,	)	
Respondent-Appellee.	)	Honorable
	)	Pablo A. Eves,
	)	Judge Presiding.
	)	

JUSTICE KNECHT delivered the judgment of the court.
Presiding Justice Holder White and Justice DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The trial court's decision ordering the custodial parent pay $300 in child support to the noncustodial parent, who had been granted limited, supervised parenting time, was against the manifest weight of the evidence.

(2) The trial court had no basis to find petitioner in indirect civil contempt for failing to comply with an order directing petitioner to make mortgage payments on the marital home; petitioner had no means by which to purge the contempt as the marital home had been foreclosed upon and no payments were due.

¶ 2 Petitioner, Grant Fowler, and respondent, Stephanie Fowler, were married in 2001. They are the parents of N.F. (born July 26, 2002). The parties separated in 2013. Stephanie was the primary custodian of N.F. In August 2017, the trial court entered an order dissolving the marriage and allocating Grant sole parental decision-making responsibilities and the majority of parenting time. The court granted supervised parenting time to Stephanie, as determined by the

parties. Stephanie appealed the orders. This court affirmed. *In re Marriage of Fowler*, 2018 IL App (4th) 170693-U, ¶ 3.

¶ 3 In April 2018, the trial court entered an order setting child support, distributing marital property, and resolving Stephanie's motion for a finding of indirect civil contempt. As to child support, the court ordered Grant to pay Stephanie $300 each month. As to Stephanie's motion for a finding of contempt, the court determined Grant was in indirect civil contempt of court for violating a previous court order by not making mortgage payments toward the marital home. The court ordered Grant could purge the contempt finding by paying Stephanie $10,848.

¶ 4 Grant appeals. On appeal, Grant contends (1) the trial court abused its discretion in ordering him to pay Stephanie child support, as he had primary custody of N.F. and Stephanie had only four-hour supervised visits every other week and (2) the court had no basis to find him in indirect civil contempt, as he could no longer comply with the earlier order to make mortgage payments for the marital home. We agree and reverse in part.

¶ 5 I. BACKGROUND

¶ 6 In May 2013, Grant filed a petition for legal separation. Stephanie followed with a counter-petition seeking dissolution of their 11½ year marriage.

¶ 7 In October 2013, the parties entered into an agreed order. Pursuant to the order, Stephanie was granted temporary exclusive possession of the marital home, as well as temporary custody of N.F. Grant was ordered, while the dissolution proceeding was pending, to "[b]e responsible for paying the mortgage payment owing to Wells Fargo Bank on the [marital home], in the amount of One Thousand Three Hundred Fifty Six Dollars ($1,356) per month, including taxes and insurance, in a timely manner."

¶ 8 In the years that followed, the parties filed many petitions in this case. Grant filed petitions for mental and physical examinations of Stephanie. Stephanie sought the release of naval records pertaining to allegations of Grant's fraternization. Multiple allegations were made concerning the marital home. Grant alleged Stephanie had allowed mold to grow in the home and abandoned the home. Stephanie asserted Grant failed to make mortgage payments.

¶ 9 In December 2016, Stephanie filed an amended petition for adjudication of indirect civil contempt or, in the alternative, to modify temporary child support. According to Stephanie's petition, Grant willfully disobeyed the October 2013 order he make mortgage payments, resulting in an arrears of $9492 to Wells Fargo Bank (Wells Fargo). In support of her allegations, Stephanie attached a copy of Wells Fargo's complaint to foreclose the mortgage. Stephanie asked the court to order Grant to show cause why he should not be held in indirect civil contempt and fined or imprisoned, to award reasonable attorney fees and costs, and to order "other and further relief as is equitable and just."

¶ 10 In the alternative, Stephanie requested the court increase the amount of child support. Stephanie asserted the court, in October 2013, awarded her temporary custody and ordered respondent to pay child support in the amount of $400 per month. Stephanie asserted had Grant paid the mortgage payments as he was ordered, the marital residence would not have been in foreclosure and Stephanie would not have "lost any potential equity in the marital residence." Stephanie maintained when Grant stopped making the mortgage payments, he had a windfall of $1356 per month, while his support obligation remained at $400 per month. Stephanie asserted this failure, as well as Grant's failure to disclose over $400 per month in disability benefits, resulted in an injustice. She requested the support payments be modified to over $940 per month,

retroactive to May 1, 2016, when Grant stopped making the mortgage payments.

¶ 11 Between January 10, 2017, and April 28, 2017, the parties presented evidence to the court on parental responsibilities and parenting time, property distribution, and contempt. We note this appeal concerns only the matters regarding child support and contempt.

¶ 12 During the hearings, Grant testified he joined the Navy in 1990. He was honorably discharged in March 2014. Grant's position as a navy recruiter brought his family to Bloomington, Illinois, in 2011. As of June 2016, Grant worked full-time as a facility engineer at Equinix, a data center. He resided in Streamwood, Illinois, with his girlfriend, Kelly Koehler, and her daughter, M.K.

¶ 13 Koehler testified she and Grant had resided together since June 2016. Koehler worked in the superintendent's office of the Elgin School District in Elgin, Illinois. Koehler and Grant leased a house for $1995 per month. Koehler testified she financially covered the utility bills and some of the grocery bills, while Grant paid the rent.

¶ 14 Stephanie testified she resided in a four-bedroom home with a garden and a swing set. Stephanie's mother purchased the home, and the home was in her mother's name. Only Stephanie and N.F. resided there. Stephanie had not been employed since she married Grant. She had not applied for any jobs. Stephanie paid for food from the money she received from Grant. Her mother helped with utilities, medical expenses, and school expenses. Stephanie added Grant's parents helped with school expenses. When asked what she provided N.F., Stephanie reported "[a] stable, loving home." When asked if she provided financial support, Stephanie replied, "[t]hrough my mother's trust, I support [N.F.]." Stephanie's mother disbursed money to Stephanie as needed.

¶ 15 Stephanie also testified regarding her petition for a finding of contempt. According to Stephanie, Wells Fargo filed a foreclosure action against Grant and her. Stephanie was served with summons on October 6, 2016. That was when she learned Grant stopped making mortgage payments. Stephanie and N.F. left the marital home "around the time of the DCFS investigation" because there was black mold in the basement. Stephanie did not inform Grant they were moving out.

¶ 16 In August 2017, the trial court entered an order dissolving the marriage and allocating parenting time and parental responsibilities. The court gave Grant sole parental decision-making responsibilities regarding N.F.'s education, healthcare, religion, and extracurricular activities as well as the majority of parenting time. Finding Stephanie suffered from a delusional disorder, the court mandated Stephanie complete a mental-health evaluation. The court allocated supervised parenting time to Stephanie until she completed the mental-health evaluation. Stephanie appealed. This court affirmed. *In re Marriage of Fowler*, 2018 IL App (4th) 170693-U, ¶ 3.

¶ 17 In January 2018, both parties completed financial affidavits. We note the handwritten date next to Stephanie's signature indicates she signed her affidavit on January 29, 2017. However, the same affidavit indicates the parties divorced on August 16, 2017. We believe the date of Stephanie's affidavit is January 29, 2018. Stephanie's financial affidavit reports two different amounts for income. On the portion of the affidavit where the affiant is to list amounts for gross income based on type of income, such as pension, employment, and child support, Stephanie reported none. However, in a latter section in which the affiant is to list "Total Gross Monthly Income," Stephanie reported $400. In that same section in which the affiant is to state

the "Total Monthly Net Income," Stephanie wrote $400. For her monthly household expenses, Stephanie reported $100 for pet care and $300 for "[g]roceries, household supplies, and toiletries." Stephanie reported no other income or expenses.

¶ 18 Grant reported on his financial affidavit, earning $9309.94 in gross monthly income and $6574.99 in monthly net income.

¶ 19 Shortly after this court affirmed the allocation of parental responsibilities and parenting time (*In re Marriage of Fowler*, 2018 IL App (4th) 170693-U, ¶ 3), the parties filed a parenting plan on February 15, 2018. Under the plan, Stephanie was "allotted supervised parenting time as long as she complete[d] a mental[-]health evaluation and complie[d] with any and all recommended treatment." Supervised parenting time was to occur "every other Sunday from [12 p.m. to 4 p.m.], beginning on September 17, 2017." The supervised visits took place at Stephanie's residence. The exchange of N.F. was to take place in Normal, Illinois. Grant agreed to provide all transportation to and from supervised visitation.

¶ 20 The same parenting plan set forth the details regarding parenting time once Stephanie was granted unsupervised time by the trial court. Under the plan, Stephanie would have parenting time with N.F. every other weekend. The plan also set forth a holiday and summer vacation schedule. The plan reserved the issue of an exchange location.

¶ 21 On April 30, 2018, the trial court entered an order regarding property distribution, "indirect civil contempt," and child support. In its order, the court observed the following regarding the marital residence:

> "The court takes judicial notice of McLean County Case No. 16-CH-201. The foreclosure of the mortgage as to the former

> marital residence located at 9427 Orion Drive, Bloomington, IL 61705 was dismissed by the court on motion of the Plaintiff Wells Fargo Bank, NA on April 12, 2018. The court takes judicial notice of the most recent Foreclosure Mediation Program Mediation Conference Report filed March 8, 2018 and those preceding that include the report of October 26, 2017 showing that the deed-in-lieu of foreclosure process continued including waiver of any deficiency judgment. As the matter has been dismissed, it appears that the deed-in-lieu of foreclosure process has been successful consistent with the reports. This should mean that the parties have relinquished all rights in the mortgaged property and that Wells Fargo Bank has released the parties from any personal liability on the note. As a result, the Orion Drive residence is no longer a part of the marital estate. There is no remaining equity or debt as to the home. Nor is there a deficiency judgment against either party."

¶ 22 The court addressed Stephanie's amended petition for adjudication of indirect civil contempt or, in the alternative, modification of temporary child support by addressing each alternative request separately. In regards to the request to modify the award of child support, the court declined to grant that relief. While acknowledging Grant failed to pay the mortgage, the court declined to set child-support arrears based on equating the mortgage payments with child support "in the absence of any written briefing or argumentation on the issue." The court observed Stephanie included Grant's "alleged failure to pay" in her dissipation claims. The court

found the mortgage payments were "properly characterized as relating to the marital property of the parties and not to be equated as child support." The court denied Stephanie's request to modify the temporary child-support order.

¶ 23 As to Stephanie's amended petition for an adjudication of indirect civil contempt, the court found Grant stopped paying the mortgage as of May 1, 2016. The court noted Grant's evidence showed he stopped working for Georgia-Pacific in March 2016 and Grant liquidated his Georgia-Pacific 401(k) account to make the April 2016 mortgage payment. The court concluded Grant failed to make the next eight payments. The court found Grant's evidence he was unable to afford the payments during this time "insufficient to excuse his court-ordered obligation to pay the mortgage ***." The court noted Grant continued to receive his military pension and disability payments, as well as his expenditures for nonessentials. The court observed Grant became employed with Equinix in June 2016 but failed to recommence making the mortgage payments. The court found the following and ordered Grant pay damages to Stephanie:

> "[Grant] is therefore found in indirect civil contempt of court for said willful failure to pay the monthly mortgage amount of $1,356.00 including taxes and insurance for the marital residence for a period of eight (8) months, from May, 2016 to and including December, 2016. A judgment is entered in the amount of $10,848.00 in favor of [Stephanie]. [Grant] may purge his contempt by payment of said amount to [Stephanie] within eighteen (18) months of the date of entry of this Order."

¶ 24 Regarding child support, the trial court decided to apply the child support section of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/505 (West Supp. 2017)) as it existed before the July 1, 2017, changes. The court reasoned the evidence was closed before that date. Neither party disputes this decision.

¶ 25 The trial court observed the minimum guideline amount of child support was 20% of the supporting party's net income. The court indicated it considered N.F.'s resources and needs. The court observed N.F. had an individualized education plan (IEP) in place to address educational needs and had dental issues as a result of DiGeorge syndrome. The court found N.F. otherwise in good mental and physical health. The court "considered the financial resources and needs of the parents at length[.]" The court considered N.F.'s standard of living had the parents' marriage not dissolved. The court noted Grant had primary parenting time and decision-making responsibilities and Stephanie had supervised parenting time. The court observed Grant's net monthly income to be $6619.78, meaning under the statutory guidelines, Grant's monthly child-support obligation would be $1323.96. As to Stephanie, the court observed she provided no specific testimony as to her income. The testimony showed Stephanie lived in a new home paid for by her mother and, during the proceedings, she received temporary child support from Grant in the amount of $400 per month. The court imputed Stephanie's income based on the Illinois minimum wage and found the 20% figure for her child support would be $289 per month.

¶ 26 The court indicated it was mindful Stephanie's actual income was not determinable and measures were necessary to ensure N.F.'s needs were met when in her care. The court then ordered Grant to pay Stephanie $300 per month in child support.

¶ 27 On July 6, 2018, the trial court entered an "agreed interim order" granting

Stephanie "interim unsupervised parenting time with N.F. on alternating Sundays from" 10 a.m. to 5 p.m. The parties would meet in Gardner, Illinois, to transfer N.F. At this point, parenting time for Stephanie amounted to approximately 15 hours per month.

¶ 28 In May 2018, Grant filed a motion to reconsider. In this motion, Grant, in part, asked the trial court to reconsider the decision regarding child support, alleging "not enough emphasis on the actual amount of expenses [Stephanie] actually needs to support [N.F.]." Grant further asked the court to reconsider the decision on contempt, asserting the home had no equity when the foreclosure was filed and it was, therefore, inequitable for Grant to pay Stephanie after she abandoned the marital home. Grant asserted the award created a "windfall" for Stephanie.

¶ 29 On August 31, 2018, the trial court ruled on Grant's motion to reconsider, granting relief on an issue not relevant to this appeal and denying his remaining claims.

¶ 30 This appeal followed.

¶ 31 II. ANALYSIS

¶ 32 A. Forfeiture

¶ 33 In this appeal, Grant challenges two parts of the trial court's April 2018 order: the award of $300 in monthly child support to Stephanie and the finding of indirect civil contempt. Stephanie asserts one argument applicable to both of these alleged trial court errors: Grant forfeited the arguments by failing to cite the record in the argument portion of his appellant brief in violation of Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018). We begin with Stephanie's forfeiture argument.

¶ 34 Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018) mandates, in the argument section of an appellant brief, "reference shall be made to the pages of the record on

appeal where evidence may be found." The failure to comply with appellate briefing requirements, like those in Rule 341(h)(7), may be sufficient reason alone to dispose of an argument on appeal. *Progressive Universal Insurance Co. of Illinois v. Taylor*, 375 Ill. App. 3d 495, 501-02, 874 N.E.2d 910, 915 (2007). Our jurisdiction to consider an appeal is, however, not affected by the insufficiency of a brief. *Tannenbaum v. Lincoln National Bank*, 143 Ill. App. 3d 572, 575, 493 N.E.2d 143, 144 (1986). We may, therefore, choose to review the merits of arguments raised in a noncompliant appellant brief. *Id.*

¶ 35 Upon examination of Grant's appellant brief, we find a dismissal of the appeal on this ground is unwarranted. Nearly every sentence in Grant's jurisdictional statement and statement of facts section, spanning approximately seven pages, is supported by a citation to the record. The bulk of Grant's argument section analyzes case law in support of his contentions, not necessitating citations to the record. For the first fact that would require a record citation, Grant provided one: "The Court ordered the Petitioner to pay Respondent child support in the amount of $300 per month. (C.767)." In the contempt section of his brief, Grant also cited to the record to support the fact the court found him in indirect civil contempt for not paying the mortgage payments. Several facts emphasized by Grant in the argument section are the absence of such facts, such as the absence of testimony specifying how much money Stephanie's mother provides. While a citation to Stephanie's testimony in general may have been useful, we need not penalize Grant for failing to cite to the absence of a fact. We note there are a limited number of facts without citation, such as Stephanie "testified that her mother had purchased her new home and if she needed money, her mother would provide it" and the "residence was foreclosed on prior to the order of the court." However, given the small number of transgressions and Grant's

efforts to comply with briefing requirements, we find these circumstances are not so extreme we should deny consideration of Grant's claims.

¶ 36 B. Child Support

¶ 37 Grant first contends the trial court committed error in granting Stephanie, the noncustodial parent, child support. Grant emphasizes he provides all of the child support for N.F. Grant acknowledges case law showing courts have ordered custodial parents pay noncustodial parents child support but emphasizes in those cases the noncustodial parents were awarded substantial parenting time. Grant maintains here, where the noncustodial parent was awarded only supervised parenting time for four hours every two weeks, the award was erroneous. Grant further highlights the absence of any evidence in the record showing how much money Stephanie received from her mother's trust or how much money she needed to provide for N.F.

¶ 38 In response, Stephanie argues the trial court did not abuse its discretion in deviating from the statutory formula to grant her child support. Stephanie points to the trial court's factual findings as showing her contribution to child support could be calculated at $250.47 and Grant's monthly net income was $6600. Stephanie maintains in these factual circumstances, including the fact Grant shared living expenses with Koehler, the court's award was not an abuse of discretion.

¶ 39 The support of a child is the joint obligation of both parents. *In re Keon C.*, 344 Ill. App. 3d 1137, 1143, 800 N.E.2d 1257, 1262 (2003). When a marriage dissolves, the trial court may apportion child support obligations between the parents. *In re Marriage of Turk*, 2014 IL 116730, ¶ 14, 12 N.E.3d 40. Section 505 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/505 (West 2016)) provides the standards governing such an apportionment.

Section 505(a)(1) sets the minimum amount of support for one child as 20% of the net income of the supporting party. *Id.* § 505(a)(1). A court may deviate from the guidelines "after considering the best interest of the child in light of the evidence," which includes the financial resources and needs of the child and parents and the standard of living the child would have enjoyed had the marriage remained intact. *Id.* § 505(a)(2). If a court elects to deviate from the guidelines the court must "state the amount of support that would have been required under the guidelines, if determinable" and provide the reasons for the deviation. *Id.* A court may order a custodial parent to pay child support to the noncustodial parent when the circumstances and the child's best interest warrant it. *Turk*, 2014 IL 116730, ¶ 31. A child-support determination is a matter within the trial court's discretion. *In re Marriage of Berberet*, 2012 IL App (4th) 110749, ¶ 37, 974 N.E.2d 417. We will find a trial court abused its discretion if we find the ruling unreasonable. *People v. Caffey*, 205 Ill. 2d 52, 89, 792 N.E.2d 1163, 1188 (2001).

¶ 40 In this case, we find the $300 monthly award to Stephanie unreasonable. The trial court's order, which imputes a monthly obligation of $250 on Stephanie, deviates from the statutory guideline by $550 per month. This deviation was made despite the fact Stephanie has shown no need for it. The record establishes Stephanie, the noncustodial parent, did not need financial support from Grant to provide a home for N.F. N.F. did not reside with Stephanie. He visited with his mother only four hours every other week at the time the order was entered. In addition, according to Stephanie's testimony and financial affidavit, Stephanie resided in a home purchased by her mother. Stephanie did not need support to meet N.F.'s medical or educational needs. According to the court order, Grant provides the support for those expenses. Moreover, when she was the primary custodian of N.F., Stephanie stated she could provide for all of N.F.'s

needs with funds from her mother's trust. Stephanie demonstrated no need for additional support to provide food for N.F. During the period of time Stephanie was the primary custodian, she provided food with the $400 per month she received from Grant in child support. It is unreasonable to conclude the deviation was necessary to provide for N.F.'s food needs during the 8 to 10 hours of Stephanie's parenting time per month. Last, Stephanie did not need additional financial support to facilitate visits with N.F. When the order was entered, Grant provided the transportation to and from N.F.'s visits with Stephanie.

¶ 41 Under these circumstances, the record does not support the deviation and the $300 award to Stephanie is an abuse of discretion. We accordingly reverse that portion of the court's April 2018 order.

¶ 42 C. Indirect Civil Contempt

¶ 43 Grant next argues the trial court erred by finding him in indirect civil contempt. Grant maintains the purpose of a finding of civil contempt would have been to coerce him to comply with the order he allegedly violated but, because the marital home had been foreclosed on, he could not comply. Grant concludes the order of civil contempt is improper when a contemnor cannot comply with the prior order.

¶ 44 Stephanie argues Grant failed to perfect the record on appeal. Stephanie maintains the motion to reconsider was heard on August 31, 2018, but no court reporter was present. Stephanie argues Grant failed to perfect the record by obtaining a report of the argument on his motion for reconsideration. Stephanie maintains absent such a report Grant cannot show error and this claim of error on appeal should be dismissed.

¶ 45 In making this argument, Stephanie relies on two cases: *Lill Coal Co. v. Bellario*,

30 Ill. App. 3d 384, 332 N.E.2d 485 (1975), and *Glover v. Glover*, 24 Ill. App. 3d 73, 320 N.E.2d 513 (1974). Neither case suggests a dismissal here is warranted. In *Bellario*, the appellant argued the judgment was against the manifest weight of the evidence but failed to include a transcript of the trial court proceedings. *Bellario*, 30 Ill. App. 3d at 385. The court dismissed the appeal upon finding the appellant violated the "basic principle of appellate practice that a party who brings a cause to a reviewing court must present in the record the proceedings to show the error complained of." *Id.* Unlike *Bellario*, this case does not require a transcript of the proceedings or a bystander report to permit review of the challenged error. Grant is not asserting the trial court's factual findings were incorrect, only that the court lacked authority to enter the order. The information necessary to review this claim—the order of contempt itself, the order the court found Grant violated, and the factual determinations regarding the foreclosure proceeding—appears in the record.

¶ 46 In *Glover*, the appellant challenged the order finding him in contempt for failing to make child-support payments but did not include the report of proceedings underlying the order in the record. *Glover*, 24 Ill. App. 3d at 75-76. *Glover* does not, however, specify the claim the appellant made regarding the contempt order. Here, we know the claim made by Grant may be resolved without the transcript from the hearing on the motion to reconsider. We will not dismiss it on this ground.

¶ 47 Stephanie next maintains Grant's claim fails on the merits. She asserts Grant "baldly contends 'the residence was foreclosed on prior to the order of the court with no liability owed by either party and no equity remaining.' " Stephanie then highlights the evidence showing Grant failed to comply with the March 2013 order when he did not pay the mortgage but instead

spent sums of money dining out and shopping on the internet. Stephanie provides no argument to counter Grant's contention the contempt is improper as he cannot purge himself of the contempt.

¶ 48 A civil contempt occurs when a party fails to comply with an order of the trial court, causing a loss of a benefit or an advantage to the opposing party. *In re Marriage of Charous*, 368 Ill. App. 3d 99, 107, 855 N.E.2d 953, 961 (2006). Indirect contempt includes contempt that does not occur in the court's presence or in the presence of a constituent part of the court. *In re Marriage of Betts*, 200 Ill. App. 3d 26, 48, 558 N.E.2d 404, 418 (1990). Proof of the existence of an order and proof of willful disobedience of the order are essential to a finding of indirect civil contempt. *Charous*, 368 Ill. App. 3d at 107.

¶ 49 An order of civil contempt is coercive in nature; the court entering the order seeks only to secure obedience to the previous order. *In re Marriage of Logston*, 103 Ill. 2d 266, 289, 469 N.E.2d 167, 177 (1984). Case law establishes such an order is improper if the means to purge the alleged contempt is not within the contemnor's power. *In re Marriage of Berto*, 344 Ill. App. 3d 705, 712-13, 800 N.E.2d 550, 556 (2003). A determination "of civil contempt cannot survive the dismissal of the underlying action that was its basis." *Id.* For example, in *Berto*, the Second District concluded once respondent made the $30,000 payment, there was no longer an arrearage of unallocated child support and maintenance and no longer a means by which the respondent could purge himself of the contempt, resulting in no basis to find respondent in contempt. *Id.* at 713.

¶ 50 In this case, there is no basis by which Grant could purge himself of the contempt. The order that the trial court found Grant violated was to make "the mortgage payment owing to Wells Fargo Bank" on the marital home. Given that the marital home was relinquished as part of

a deed-in-lieu of foreclosure process that released Grant and Stephanie from all liability in exchange for their giving up rights in the home, no mortgage payments were due or owing to Wells Fargo. There was thus no means by which Grant could purge himself of the contempt and thus no basis to find him in contempt (see *id.*). A finding of indirect civil contempt was, therefore, improper.

¶ 51 We note, contrary to Stephanie's referencing the statement as a bald assertion, the record does contain a finding by the trial court the marital home was foreclosed upon and no equity remained.

¶ 52 III. CONCLUSION

¶ 53 We affirm the trial court's judgment in part and reverse in part.

¶ 54 We reverse the part of the trial court's April 2018 order granting Stephanie $300 per month in child support and the part of the order finding Grant in indirect civil contempt. Otherwise, we affirm the trial court's judgment.

¶ 55 Affirmed in part; reversed in part.