

Appellate Court No. WD79710

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IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT

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**JARRETT ALAN ARCHDEKIN,**

Appellant,

vs.

**SYBIL ANNE ARCHDEKIN,**

Respondent.

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APPEAL FROM THE CIRCUIT COURT  
OF BUCHANAN COUNTY, MISSOURI  
FIFTH JUDICIAL CIRCUIT  
HONORABLE DANIEL KELLOGG, Judge

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**RESPONDENT'S BRIEF**

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## **JURISDICTIONAL STATEMENT**

The Appellant appealed from the Final Judgment Entry for Dissolution of Marriage entered by the Honorable Judge Daniel Kellogg in the Circuit Court of Buchanan County, Missouri and April 19, 2016 (LF379). No post-trial motions were filed by the Appellant and the Appellant's Notice of Appeal was filed on May 24, 2016 (LF404). The appeal does not fall within the exclusive jurisdiction of the Missouri Supreme Court. The appeal is from the Fifth Judicial Circuit. Accordingly, this appeal is within the jurisdiction of the Missouri Court of Appeals, Western District.

## **STATEMENT OF FACTS**

### ***LEGEND***

Abbreviations will be used in this Respondent's Brief as they were in the Appellant's Brief. Accordingly, abbreviations will be as follows:

A.L.F. – Appellant's Supplemental Legal File

L.F. – Legal File

S.L.F. – Supplemental Legal File

Feb. Tr. – February 13, 2013 Transcript

Apr. Tr. – April 29, 2013 Transcript

Mar. Tr. – March 30, 2016 Transcript

### ***MARRIAGE AND BACKGROUND***

The parties were married on May 28, 1994 (Feb. Tr. 16-17). They separated in September of 2011 (Feb. Tr. 17). The parties had children ages 16, 13 and 8 at the time of the February 2013 hearing (Feb. Tr. 17). For most of the marriage, the Wife (Respondent) was a stay at home mother (Feb. Tr. 21).

Although the Wife was a stay at home mother during the marriage, she occasionally earned income by babysitting and cleaning other peoples' houses (Feb. Tr. 21) and working part-time at the children's elementary school (Feb. Tr. 41). During separation and throughout the proceedings, the Wife was employed by Missouri Western State University earning approximately \$2,142 per month (Feb. Tr. 41-42).

There were three primary business entities which were made parties to the

dissolution action. They were Archdekin Investments, Inc.; Earthworks Excavation Company, LLC; and The Commons Development Group, LLC.

### ***PROCEDURAL HISTORY***

This Dissolution of Marriage was filed in September of 2011 (L.F. 20). The Court heard evidence and prior to the Court's Judgment, The Commons Development Group, LLC, filed a Chapter 11 bankruptcy in July of 2013 (S.L.F. 5). Thereafter, the trial court entered an Interlocutory Judgment Entry of Dissolution of Marriage on July 23, 2013, which dissolved the marriage of the parties, made custody and visitation orders, awarded maintenance and child support and made de minimis division of certain items of marital property (L.F. 120:130). In said Interlocutory Judgment, the trial court found that the Third-Party Respondents (companies belonging to the Husband) were the alter ego of the Husband and that their corporate veil should be pierced (L.F. 125). The Court found that the Wife's expenses as stated in her Income & Expense Statement were necessary and reasonable and that she could not support herself based on her income or other assets awarded to her in the dissolution and awarded her periodic maintenance retroactively to November 1, 2011, and to continue monthly thereafter until either party died, the Wife remarried or the same was otherwise modified or terminated (L.F. 127). The Court found that other than the de minimis marital property award that the vast bulk of marital property including the assets of the businesses would be tabled until the bankruptcy before-mentioned was lifted (L.F. 127:129).

Following the entry of this First Interlocutory Judgment, Wife filed her Motion to

Amend or, in the Alternative, For an Interlocutory Judgment Nunc Pro Tunc (L.F. 169). On September 27, 2013, the trial court entered its First Amended Interlocutory Judgment Entry of Dissolution of Marriage which corrected certain clerical mistakes and added language that the Judgment was “final for purposes of appeal as to all issues herein addressed” (L.F. 182). Thereafter, the Wife filed her Second Motion to Amend Interlocutory Judgment or, in the Alternative, For an Interlocutory Judgment Nunc Pro Tunc (L.F. 183). The Husband also filed his Notice of Appeal (L.F. 186). In December of 2013, this Court entered an Order dismissing the appeal finding that the trial court did not make an express finding that there was no just reason for delay (L.F. 212). Thereafter, Wife filed her Motion to Amend First Amended Interlocutory Judgment Entry for Dissolution of Marriage (L.F. 213) and thereafter, the trial court on January 14, 2014, entered its Second Amended Interlocutory Judgment Entry of Dissolution (L.F. 226). The trial court in the Second Amended Interlocutory Judgment imputed income to the Husband in the amount of \$5,000 per month (L.F. 222:223) and found this amount to be appropriate because of the “monies expended by the Third-Party Respondents for [Husband’s] personal and non-business benefit (L.F. 222)”. As forth for this finding, the trial court found that the Husband made representations to lending institutions that his net worth was in excess of seven million dollars (\$7,000,000) in a personal statement dated March 2010 (L.F. 222).

The Third-Party Respondents filed their Notice of Appeal from the Second Amended Interlocutory Judgment. Their appeal was dismissed for failure to prosecute

(S.L.F. 12). The Husband also filed a Notice of Appeal from the Second Amended Interlocutory Judgment (L.F. 241). This appeal was dismissed by this Court on May 9, 2014 for being untimely (L.F. 255).

Following the dismissal of the Husband's appeal from the Second Amended Interlocutory Judgment, the Husband filed at the trial court level his Motion to Reconsider and Terminate Maintenance Award (L.F. 259) and further sought relief in this Court with his Petition for Writ of Mandamus or, in the Alternative, Writ of Prohibition (A.L.F. 2). The trial court dismissed the Husband's Motion to Reconsider as untimely (L.F. 278). This Court denied the Husband's Application for Writ (A.L.F. 24).

Following a dismissal of the Chapter 11 bankruptcy, the trial court then took up hearing on March 30, 2016. At that time, the parties resolved all issues with regard to division of property and debt (Mar. Tr. 7-9; L.F. 308). The Wife dismissed her Third-Party Petition against the Third-Party Respondents and the Third-Party Respondents were excused (Mar. Tr. 8). All issues regarding parenting time and child support were also resolved (Mar. Tr. 9-12).

The sole remaining issues to be resolved by the Court were maintenance and the Wife's claim for attorney's fees.

Prior to entering the Final Judgment, the Husband did file his Motion to Reopen or Amend which the trial court noted in its Final Judgment would be treated as a Motion to Modify (L.F. 382). The trial court found that there existed changes in circumstances substantial and continuing regarding the children that justified a modification (L.F. 383).



The Court found that the income imputed to the Husband in the Interlocutory Judgment should not be disturbed due to his income producing capabilities (L.F. 396). With regards to maintenance, the Court found that the Husband did not meet his burden that there had been substantial and continuing change in circumstances regarding his income and that no modification should occur (L.F. 397). The Court further found that the Husband's income remained unchanged and even if the Court ruled on his Motion without placing a burden for Motion of Modification that the Court's finding of the Husband's income for purposes of calculating child support and maintenance would be unchanged (L.F. 397).

The Appellant filed his Notice of Appeal from the "Final" Judgment in a timely manner (L.F. 404).

#### ***FACTS OF THE CASE ON MAINTENANCE ISSUE***

All issues raised by the Appellant on this Appeal are on the issue of maintenance. Accordingly, this Statement of Facts is written to state those facts pertinent to those issues on appeal.

During the course of the marriage, the Wife was not allowed to have her own bank account (Feb. Tr. 20). She was not allowed to have her own credit card (Feb. Tr. 20-21). For the bulk of the marriage, Wife was not employed and was a full-time mother (Feb. Tr. 21). She bought groceries with a check from Archdekin Investments (Feb. Tr. 21). She was told by her Husband that if she got a job all of her income would be seized by the government to pay back due taxes (Feb. Tr. 22).

She revealed expenses of approximately \$5,400 per month in her Income & Expense Statement, identified as Exhibit “3” (Feb. Tr. 40). She only earned \$13.00 an hour as an Administrative Assistant at Missouri Western University (Feb. Tr. 40).

The evidence established that one of the Husband’s corporations (Archdekin Investments) owned the marital home (Feb. Tr. 44), Archdekin Investments owned all personal vehicles (Feb. Tr. 44). Archdekin Investments owned all of the parties’ household goods (Feb. Tr. 44).

Appellant’s Exhibit “6B” shows that his business Earthworks Excavation has assets worth \$12,200,000 with debts of \$11,865,704.40. Appellant’s Exhibit “6C” shows his business of The Commons Development Group to have assets of \$12,150,000 and liabilities of \$9,455,546.

The testimony of the Wife’s expert witness buttressed and supports the trial court’s finding that income should be attributed or imputed to the Husband. The witness was Bertha Parker, CPA (Feb. Tr. 153). She testified that the corporations of the Husband owned the marital home, their lake home and their vehicles (Feb. Tr. 159) and opined that when the shareholders of that corporation have free use of those assets that the same constitutes taxable income to them. She further testified that the true fair market value of Archdekin Investments exceeded its book value stated on its financial statements (Feb. Tr. 161).

Following the dismissal of the Chapter 11 proceedings instituted by the Husband, the Court had a final hearing in 2016. At that time, the parties resolved all parenting

issues and the division of property. The Respondent was earning at that time \$24,965 per annum as an Administrative Assistant at Missouri Western (Mar. Tr. 28) and continued to believe that her Husband was fully capable of earning at least \$5,000 per month (Mar. Tr. 31). At this hearing, the Wife offered into evidence Exhibit "15" which was a true and accurate transcription of a telephone conversation which took place between the Husband and his son, Alex, in which he admitted to having in his possession a \$47,000 check which could be used to pay off his then accrued alimony indebtedness (Mar. Tr. 43). Appellant further admitted in Exhibit "16", the transcription of a telephone conversation between the Husband and his son, Alex, to having over \$30,000 in his checking account (Mar. Tr. 44). These telephone conversations were placed into evidence in Exhibit "14" by a business affidavit from the Buchanan County Sheriff's Department of recorded telephone conversations by the Husband while serving as an inmate (Mar. Tr. 41).

The Wife's testimony at the time of the final hearing was that her Husband was living a lifestyle that he could not afford if he was living on the income to which he was willing to admit to (Mar. Tr. 48).

**RESPONDENT'S REBUTTAL TO ALL OF THE  
APPELLANT'S POINTS RELIED UPON**

***APPELLANT'S POINTS RELIED UPON ARE WITHOUT MERIT AS THE  
APPELLANT WAIVED ANY ERROR IN THE SECOND AMENDED  
INTERLOCUTORY JUDGMENT BY NOT PURSUING APPELLATE RELIEF  
FROM THAT JUDGMENT***

- I. The trial court did not err in entering a Second Amended Interlocutory Judgment in which the decision regarding maintenance was deemed**

**“final” for purposes of appeal and without a property award. Further, the award was supported by the evidence and Appellant has waived any error in the maintenance award, if any.**

Points I through III claim error in that the trial court in its Second Amended Interlocutory Judgment granted maintenance as the decree was not final, as a division of marital property was a necessary precedent to a determination of whether maintenance should be awarded and because an award of prospective maintenance was not authorized. All of the above points are with respect to the Second Amended Interlocutory Judgment. Appellant’s points relied upon Points V and VI complain that the trial court erred in its imputation of income to the Appellant and was against the weight of the evidence and that the trial court awarded maintenance based upon an expense that included the Respondent’s retirement contribution, which exceeded Respondent’s reasonable needs. All of which argue error in the Second Amended Interlocutory Judgment.

In Point IV the Appellant argues that the trial court’s award of maintenance in the Final Judgment was inappropriate as it misapplied the law in applying a modification of maintenance standard at the final hearing instead of standards which would have been expected if the award had been an initial award.

All of the Appellant’s claims of error are barred in that they seek a review of the propriety of the maintenance award set forth in the trial court’s Second Amended Interlocutory Judgment which was entered in June of 2014 (L.F. 226). Appellant filed his Notice of Appeal from this Judgment that was dismissed by this Court on May 9,

2014, for not being timely filed (L.F. 255). Following the dismissal of the husband's appeal from the Second Amended Interlocutory Judgment, the husband sought relief both in this Court and the trial court. In this Court, he sought relief by filing his Petition for Writ of Mandamus or, in the Alternative, Writ of Prohibition (A.L.F. 2). This Court denied that relief (A.L.F. 24). Additionally, the husband renewed his arguments in the trial court in his Motion to Reconsider which was denied as untimely (L.F. 278).

While the Appellant claims numerous points of err as to why the trial court's award of maintenance was erroneous, all of the Appellant's arguments which stem from the trial court's Second Amended Interlocutory Judgment are barred by the doctrine of "the law of the case." As noted by both the Appellant and the Respondent in their Statements of Fact, the Appellant's effort to seek an appeal of the relief granted in the Second Amended Interlocutory Judgment was dismissed by this Court for not being timely filed. As such, all allegations of err which could have been raised in this first appeal are now barred.

The doctrine of "the law of the case" was perhaps most eloquently stated in the Missouri Supreme Court decision of Walton v. City of Berkeley, 223 S.W.3d 126 (Mo. 2007). In that case, the Plaintiff sought compensation from the City of Berkeley following his termination as city attorney. Count I was for his wrongful removal and Count II sought damages for unpaid monthly retainers and fees. The trial court ruled that the jury would decide Count II of the claim of law, while the trial court would decide Count I as an equitable claim. After hearing the evidence, the court directed a verdict

dismissing Count II because the contracts between the Plaintiff and the Defendant were never lawfully executed. However, on Count I the trial court awarded the Plaintiff damages despite the fact that Walt had failed to prove he was unlawfully discharged.

On appeal, the Plaintiff's monetary judgment was overturned, as the court of appeals ruled the trial court lacked equitable jurisdiction since the Plaintiff had failed to plead or present any evidence that there was no adequate remedy at law for the cause of action raised in Count I on the Plaintiff's Petition. On remand, the trial court directed a verdict dismissing Count I. The Plaintiff sought leave to amend this finding that the Plaintiff's pleading were insufficient. When the Plaintiff sought leave to amend his Petition, said request was denied as untimely. On the second appeal, the court ruled that the trial court had abused its discretion in denying the Plaintiff leave to amend and a third trial occurred. On Plaintiff's First Amended Petition for Injunction, Reinstatement and Back Pay, the court decision was based solely on the record of the first trial and the court heard no additional evidence. Notwithstanding the fact that the court had previously ruled that the contract was unenforceable as never being lawfully executed, the court awarded damages claiming that the contract was enforceable under the doctrine of substantial compliance and another appeal occurred.

On the final appeal, the court argued the doctrine of "the law of the case" and res judicata. The appellate court ruled that while the two doctrines are similar, the later most aptly fit the city's argument. In so ruling, the court noted:

“The doctrine of law of the case provides that a previous holding in a case constitutes the law of the case and precludes litigation of the issue on remand and subsequent appeal. State v. Graham, 13 S.W.3d 290 at 293 (Mo. banc 2000); Rodriguez v. Suzuki Motor Corp, 996 S.W.2d 47 at 61 (Mo. banc 1999). The doctrine governs success of adjudications involving the same issues and facts. Shahan v. Shahan, 988 S.W.2d 529 at 533 (Mo. banc 1999). Generally, the decision of a court is the law of the case for all points presented and cited, as well as for matters that arose prior to the first adjudication and might have been raised, but were not (emphasis mine). Graham, 13 S.W.3<sup>rd</sup> at 293; Shahan, 988 S.W.2d at 533”.

Given the doctrine “law of the case”, the Appellant’s arguments of error (even if true) were not presented by an appeal for the entry of the Second Amended Interlocutory Judgment. Hence, that portion of the Court’s Second Amended Interlocutory Judgment which was designated final for purposes of appeal is in fact final and cannot now be challenged by the Respondent. Any claims there were, in essence, waived by his failure to timely prosecute the appeal.

***RESPONDENT'S REBUTTAL TO APPELLANTS POINT RELIED UPON IV –  
THAT THE TRIAL COURT MISAPPLIED THE LAW IN ADOPTING A  
MAINTENANCE STANDARD***

**II. The trial court did not commit error in adopting the modification standard of review.**

The Second Amended Interlocutory Judgment awarded maintenance as deemed as a final judgment as found by the trial court, then the trial court did not commit error in making a finding that any modification of the maintenance award would require proof of a change in circumstances substantial and continuing. Section 452.335, R.S.Mo. Even if such action by the trial court was error, it was harmless error as the trial court made a finding that there was no change in circumstance. Hence, the evidence supporting the Second Amended Interlocutory Judgment supports the award in the Final Judgment.

The trial court did not commit err by applying a modification of maintenance standard in lieu of a reconsideration standard. Nor did the trial court err by imputing income or commit err by improperly including expenses of the children, including retirement contributions. First, let's address the complaint made by the Appellant that the trial court applied a modification of maintenance standard instead of a reconsideration standard. Such an allegation of error is at best harmless error, as the trial court made a finding that there was no change in circumstance. It found in the Final Judgment as it did in its Second Amended Interlocutory Judgment that the Appellant's imputed income was \$5,000 per month (L.F. 397).



***RESPONDENT'S FURTHER REBUTTAL TO APPELLANT'S POINTS RELIED UPON No. V AND No. VI - THAT THE MAINTENANCE AWARD WAS AGAINST THE WEIGHT OF THE EVIDENCE AND INCLUDED CONSIDERATION OF IMPROPER EXPENSES OF THE RESPONDENT***

**III. The maintenance award was not against the weight of the evidence and did not consider improper expenses and any error, if any, was waived.**

Appellant's argument that there was insufficient evidence to support the trial court's finding of imputed income must also fail, as must his argument that there was no evidence that any diminution in income by the Appellant was an attempt to evade his support obligations. The Appellant's effort to frustrate his personal creditors was replete. As mentioned in the statement of facts, the Appellant did not have a personal bank account, did not allow his wife to have one or a credit card. He discouraged her from engaging in gainful employment as all of her income would be seized by creditors. Their personal home, lake home and all of their household goods were owned by the Appellant's corporate business entities. Even their groceries were paid for by corporate and not personal funds. Any argument that the Appellant did not lead a life of evading personal creditors does not pass the red face test.

The Appellant also argues that the maintenance award cannot be supported not being appropriately based upon the evidence in that the award improperly included expenses for the children, an expense for the Respondent's retirement contribution, exceeded the Respondent's reasonable needs and exceeded the Appellant's ability to pay.

All of these arguments deal with the sufficiency of the evidence to support the award. Accordingly, the case decision of Murphy v. Carron, 536 S.W. 2d 30 (Mo. banc 1976) is determinative of these complaints of the Appellant. All of the trial court's decisions are supported by the evidence if the evidence is viewed in a light most favorable to the Respondent and if all evidence in favor of the Appellant is ignored. Such is the standard of Murphy v. Carron, *Id.* Accordingly, this claim of error and argument advanced by the Appellant lacks merit.

The Respondent would argue that the trial court never made such a finding. The Appellant's arguments stem from the existence of the Respondent's income & expenses statement that was placed into evidence at the time of the trial preceding the Second Amended Interlocutory Judgment which took place in 2013. The Respondent's income & expenses statement included all of her expenses as mandated by the form, including her expenses payroll deductions (hence, retirement contributions) and her expenses for the children. To presuppose that the trial court calculated its amount of maintenance based upon improper expenses is purely conjectural as no findings of fact exist in the Second Amended Interlocutory Judgment.

If the trial court erred by considering expenses that were inappropriate, then the Appellant's argument attacks the sufficiency of the findings of fact made by the trial court. Rule 78.07(c) requires that allegations bare or even perform the language of the judgment including the failure to make statutorily required findings must be raised in a motion to amend the judgment in order to be preserved for Appellate review. This the

Appellant did not do. Hence, the Appellant's argument that the trial court improperly considered in the amount of the maintenance awarding improper items to include retirement expenses or the expenses for the children required such an after trial motion if Appellant review was to be sought.

***RESPONDENT'S FURTHER REBUTTAL TO APPELLANT'S POINT  
RELIED UPON No. II - THAT NO AWARD OF MAINTENANCE MAY OCCUR  
WITHOUT A PRECEDENT PROPERTY DIVISION***

**IV. The trial court did not committed error in awarding maintenance without first dividing and awarding property.**

Appellant cites numerous cases for the proposition that a dissolution decree is not final and appealable until it disposes of all issues in the case citing, e.g. In RE Marriage of Nardini (Nardini I), 306 S.W.3d 165 at 171 (Mo. App. 2010). The numerous cases cited by the Appellant stand for this proposition, but do not support the point of error relied upon by the Appellant. These cases are inappropriate as Supreme Court Rule 74.01(b) provides that the court may enter a judgment as to one or more, but fewer of all of the claims upon an express determination that there is no just reason for delay. Such with the case here, where the trial court apparently felt obligated to proceed with granting the dissolution, establishing a parenting plan and support obligations of the children, a maintenance award and a de minimis property distribution in light of the Chapter 11 bankruptcy filing taken by one of the Appellant's companies.

Appellant argues that the trial court's reliance upon Supreme Court Rule 74.01(b) is erroneous for numerous reasons that appear intertwined. The Respondent will attempt to unwind what the Respondent contends is the Appellant's contorted argument.

First, the Appellant argues that the trial court's reliance on Supreme Court Rules 74.01(b) was inappropriate because the rule requires the disposition of one entire claim or one distinct judicial unit in order to constitute a final judgment, relying on such case decisions as Carney v. Yeager, 231 S.W.3d 308 (Mo. App. 2007) and Creel v. Union Elec. Co., Inc., 950 S.W.2d 315 (Mo. App. 1997). Respondent would draw this Court's attention to the court of appeals decision in Miller v. Sams, WD79753, decided in November of 2016, in which the court again addressed the issue that Supreme Court Rule 74.01(b) may only be used if and only if a distinct judicial unit "defined as the final judgment on a claim and not a ruling on some of several issues arising out of the same transaction which does not dispose of a claim" is decided.

Appellant states that Supreme Court Rule 74.01(b) cannot be applicable as the issues raised in a divorce because "a Petition for Dissolution advances a single claim...the numerous other issues involved, such as custody, property disposition, and support are merely questions which are ancillary to the cause of action" Gould v. Rafaeli, 804 S.W.2d 758 (Mo. App. 1990). While the Appellant correctly quotes from the Gould decision, reliance upon the decision is misplaced on the dicta in the Gould decision as Missouri courts have recognized the divisible divorce doctrine for decades. The concept of divisible divorce has long been recognized and was first cited by the Missouri

Supreme Court in 1874 in the case decision of Gould v. Crow, 57 Mo. 200. In that decision, the supreme court addressed a divorce decree granted in another state to a resident of that state on an order of publication. The court held the divorce decree valid to the extent that it terminated the marriage, but concluded that any personam order including within the terms of the decree would have no force or extra-territorial effect. In State v. Jones, 349 S.W.2d, 534 (Mo. App. Ed. 1961) the Court of Appeals for the Eastern District relying on Gould v. Crow, *supra*, held that where the parties commence divorce actions in their home States of Missouri and Colorado without procuring personal jurisdiction over the absent spouse, both states had jurisdiction to grant the divorce, but neither state had jurisdiction in the findings of child support or alimony orders.

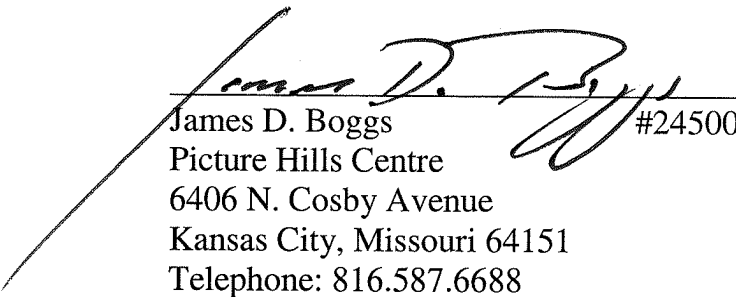
This concept was recently reaffirmed by the Missouri Supreme Court in Thompson v. Thompson, 657 S.W.2d 629 (Mo. banc 1983), for the proposition that the lack of personal jurisdiction over the Respondent precludes a judicial determination relating to maintenance, child support and any attorney's fees and limits the power to divide marital property to that marital property located within the state. Hence, there is plethora of Missouri case law supporting the proposition that claims for the divorce itself, custody, support, maintenance and property disposition are divisible concepts and that a Missouri court is not deprived of the ability to grant one of these judicial units if it lacks in personam jurisdiction to grant them all.

**CONCLUSION**

The Respondent respectfully suggests that the trial court did not commit err and, accordingly, that this Court should affirm the trial court's decision in all respects.

Respectfully submitted,

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**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

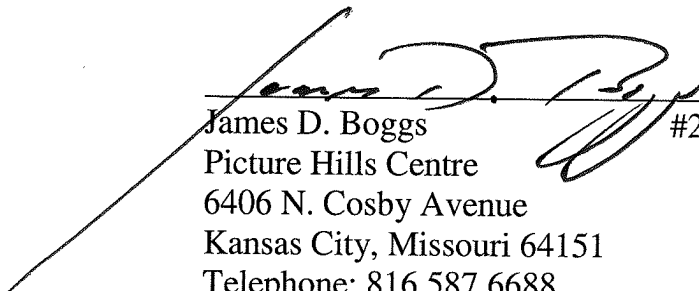
JARRETT ALAN ARCHDEKIN,	)	
	)	
Appellant,	)	
	)	CASE No.: WD79710
vs.	)	
	)	
SYBIL ANNE ARCHDEKIN,	)	
	)	
Respondent.	)	

**CERTIFICATE OF COMPLIANCE**

I hereby certify that Respondent’s Brief complies with the limitations contained in Supreme Court Rule 84.06 and Local Rule XLI, containing 4,474 words, excluding the cover, Certificate of Service as required by Rule 84.06(c), signature block and exhibit index, as determined by Microsoft Word.

Respectfully submitted,

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WESTERN DISTRICT

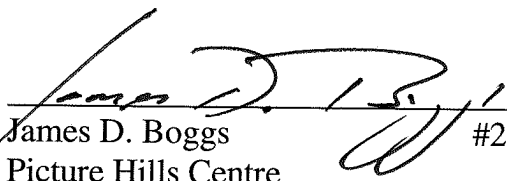
JARRETT ALAN ARCHDEKIN,	)	
	)	
Appellant,	)	
	)	CASE No.: WD79710
vs.	)	
	)	
SYBIL ANNE ARCHDEKIN,	)	
	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Respondent's Brief was served upon Craig D. Ritchie, Attorney for Appellant, via the electronic filing system on this 24<sup>th</sup> day of April, 2017.

Respectfully submitted,

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