



abuse of discretion.” Casavant v. Allen, 2016 VT 89, ¶ 12, 202 Vt. 606. “When findings are attacked on appeal, our role is limited to determining whether they are supported by credible evidence.” Id. ¶ 21 (quotation omitted). Husband claims that the evidence did not support the court’s findings that (1) husband earned extra money under the table, and (2) husband was in good health. There was no error. As to husband’s income, this finding was derived from wife’s testimony that husband earned extra cash each week in excess of his official pay. It was up to the trial court to assess the credibility of the witnesses, and it acted within its discretion in relying on wife’s testimony. As to husband’s health, the court found that “both parties are in reasonably good health.” On appeal, husband claims that the court’s finding is erroneous because there was no medical testimony to support the finding. Husband has not demonstrated that he argued below that he had any health issues. See V.R.A.P. 28(a)(4)(A) (obligating appellate court to indicate how issue presented was preserved for review). Husband made no mention of any health issues in his proposed findings. Having failed to raise the issue before the family court, it is not properly preserved for our review. Bell v. Bell, 162 Vt. 192, 201 (1994) (declining to address issue not raised at trial).

Husband also asserts that the court ignored the fact that wife removed husband from the parties’ health insurance. Although husband claims on appeal that wife ignored prior orders and acted in “contempt,” the court found that husband was removed due to wife’s mistaken belief that the parties’ separation amounted to a legal separation. The court acted within its discretion in declining to find that wife acted willfully or maliciously. Therefore, the court did not err in failing to sanction wife in some way for this omission.

Husband next contends that he was deprived of his right to present relevant evidence because trial counsel’s “unavailability was cited as grounds to deny witnesses.” Husband does not explain how this issue was preserved below. He also does not provide a proffer of which witnesses he was prevented from calling or how their testimony would have impacted the court’s decision.

Husband generally asserts that the court’s division of property was unfair, claiming that the items assigned to him were less valuable than those given to wife. Property division is not “an exact science,” and the family court has “broad discretion” to effectuate an equitable distribution of the marital property. Kasser v. Kasser, 2006 VT 2, ¶ 30, 179 Vt. 259. “The party claiming an abuse of discretion bears the burden of showing that the trial court failed to carry out its duties.” Id. Here, the court considered the statutory factors, found that the factors did not favor either party, and made a roughly equal division of the property based on that assessment. The parties’ main asset was the marital home, and the court awarded it to wife, but ordered her to pay husband for his share of the equity in that asset. The court then divided the remaining property between the parties, granting wife her vehicle, a camper, and two firearms, and giving husband the remaining guns, the gun safe, a ride-on lawnmower, a duck boat, two kayaks, and a woodstove that belonged to his father. Many of the items assigned to husband were specifically requested by him in his proposed findings. Given the court’s findings that wife’s vehicle needed significant repairs to pass inspection and that the camper had little value, the division of property was reasonable.

Finally, husband asserts that wife committed fraudulent conduct by representing at the final hearing that she would pay husband for his portion of the equity in the marital home when he claims that since the final decision, wife has not provided that payment. The record in this

appeal is limited to the documents and evidence presented to the trial court. V.R.A.P. 10(a). Therefore, we do not consider this argument, which is based on allegations outside the record.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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William D. Cohen, Associate Justice

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Nancy J. Waples, Associate Justice