

IN THE UTAH COURT OF APPEALS

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Cathy Child,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner, Appellant,)	
and Cross-appellee,)	Case No. 20060998-CA
)	
v.)	F I L E D
)	(April 9, 2009)
David N. Child,)	
)	
Respondent, Appellee, and)	2009 UT App 97
Cross-appellant.)	

Seventh District, Price Department, 024700194
The Honorable Bruce K. Halliday

Attorneys: Rodney R. Parker, Salt Lake City, for Appellant
 Joane Pappas White, Price, for Appellee

Before Judges Thorne, Davis, and Billings.¹

DAVIS, Judge:

This matter is before us following a remand from the Utah Supreme Court, see Child v. Child, 2009 UT 17, ¶ 3. We remand to the district court.

Petitioner presented minimal evidence and argument below that may or may not support a finding that her efforts contributed to the enhancement or maintenance of the rental business. We therefore cannot determine, as a matter of law, that the evidence or arguments below were insufficient to establish one of the exceptions to the general rule that a party retains his separate property brought into the marriage, as well as any appreciation thereon, see Dunn v. Dunn, 802 P.2d 1314, 1320 (Utah Ct. App. 1990). Nor can we say that the district court's lack of findings on the matter resulted from its determination that the evidence was insufficient to establish one of the exceptions to the general rule. Therefore, we remand to

¹The Honorable Judith M. Billings, Senior Judge, sat by special assignment pursuant to Utah Code section 78A-3-102 (2008) and rule 11-201(6) of the Utah Rules of Judicial Administration.

the district court to make findings either justifying or correcting the result originally reached respecting the division of Respondent's share of the family rental business.²

James Z. Davis, Judge

WE CONCUR:

William A. Thorne Jr.,
Associate Presiding Judge

Judith M. Billings,
Senior Judge

²This is in addition to our prior remand to the district court to dispose of the Corvette as a marital asset, see Child v. Child, 2008 UT App 338, ¶ 6, 194 P.3d 205, rev'd on other grounds per curiam, 2009 UT 17, ¶ 3.