Circuit Court for Carroll County
Case No. 06C14066874

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1116

September Term, 2016

ASHLEY WEIS

v.

RACHEL WEIS

Woodward, C. J.,
Graeff,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 6, 2017

On April 8, 2015, Ashley Weis, appellant, and Rachel Weis, appellee, were granted an absolute divorce by way of judgment entered in the Circuit Court for Carroll County. As part of that judgment, appellant was ordered to pay child support to appellee for the parties' two minor children. On August 10, 2015, appellant filed a motion to modify child support, and, on March 3, 2016, a hearing on appellant's motion was conducted before a Magistrate. Following the hearing, the Magistrate submitted a report and recommendation to the circuit court regarding appellant's motion. Appellee filed exceptions to the Magistrate's recommendations, and, on June 28, 2016, the court held a hearing on appellee's exceptions. The court ultimately granted appellee's exceptions and denied appellant's motion to modify child support. Appellant thereafter noted this appeal, presenting the following question for our review, which we rephrase[1]:

> Was the denial of appellant's Motion for Modification of Child Support legally correct?

Finding no error, we affirm.

BACKGROUND

Appellant and appellee were married and later divorced. As part of the divorce judgment, which was entered on April 8, 2015, appellant was ordered to pay approximately $2,000 per month in child support to appellee. On August 10, 2015, appellant filed a

[1] Appellant phrased the question as:

> Was the denial of appellant's Motion for Modification of Child Support, without granting appellant a hearing he requested, legally correct when Maryland Rule 2-311(f) requires the trial court to hold a hearing before rendering a decision disposing of a claim or a defense?

motion to modify child support, claiming that he had lost his job. Appellant also asked the court for a "telephonic hearing" on his motion because, at the time, appellant was living in Georgia and appellee was living in Florida.

On November 3, 2015, prior to filing an answer to appellant's motion, appellee filed a motion to dismiss, claiming that Maryland no longer had jurisdiction over the parties due to their out-of-state residencies. On November 17, 2015, appellant filed a request for order of default on the grounds that appellee did not file a timely responsive pleading to his motion to modify child support. On December 11, 2015, the court entered an order denying appellee's motion to dismiss and granting appellant's request for a telephonic hearing on his motion to modify child support. The court also denied appellant's motion for order of default, explaining that, under the Maryland Rules, appellee's time to file a responsive pleading had not expired because she had filed a motion asserting a lack of personal jurisdiction.[2]

On December 24, 2015, appellee filed an answer to appellant's motion for modification of child support. At the same time, appellee filed a petition for contempt, claiming that appellant had not met his court-ordered child support obligation. On January 28, 2016, appellant filed an "Emergency Hearing Request" regarding his motion for

[2] In his brief, appellant seems to argue that the court's denial of his motion for default was erroneous. Appellant is mistaken. When, as was the case here, a party files a motion challenging the court's jurisdiction over the person, the time for filing an answer is automatically extended until 15 days after the entry of the court's order on the motion. Md. Rule 2-321(c). As the record reflects, appellee did file a responsive pleading within the time allotted by this Rule.

modification of custody. On February 4, 2016, the court, having considered appellant's emergency hearing request, ordered that appellant's motion for modification of child support, along with appellee's petition for contempt, be heard simultaneously.[3] A hearing before a Magistrate was scheduled for March 3, 2016.

At that hearing, appellee appeared in person, while appellant participated by phone. Appellant testified that he had been working for Satcom Communication Direct Incorporated (SDI) but that he was "removed" from his position of employment in August of 2015. Appellant testified that he wanted the court to modify his child support obligation because he had not received "any income since the layoff." Other than his testimony, appellant did not present any evidence, documentary or otherwise, in his case-in-chief.

On cross-examination, appellant testified that at the time of the divorce he was working for Rockwell Collins, Incorporated and that he was earning an annual income of approximately $111,000. Appellant admitted that he left that position to take the job with SDI and that his salary with SDI "was supposed to be $125,000." Appellant also admitted that he received income from a rental property in the amount of $3,200 per month, but he claimed that almost all of this money went to pay the mortgage on the rental property. Appellant later clarified that he had received financial assistance from the mortgage company and was only required to pay $25 per month toward the mortgage in the three

[3] In his brief, appellant claims that his request for an emergency hearing was "ignored" by the court. Clearly, that was not the case, as the court did consider the request and ordered that a hearing be held before the Magistrate.

months preceding the hearing. According to appellant, other than the rental money, he was "making zero dollars income."

Appellee then presented evidence regarding her petition for contempt and appellant's motion for modification. Included in that evidence were spreadsheets and bank statements detailing payments made (and not made) by appellant toward his child support obligation up to the date of the hearing. Appellee also presented documentary evidence showing that appellant's annual salary in 2015 was $111,000 but that payment of this salary was terminated in June of 2015 when appellant left Rockwell Collins.

On April 8, 2016, the Magistrate filed his Report and Recommendations with the court. In that report, the Magistrate made, in part, the following findings:

> 5. [The judgment of absolute divorce] called for [appellant] to pay to [appellee] the sum of $2,040.00 per month in child support by way of direct deposit by the 15th day of each month with an additional monthly payment of $200.00 on the 15th of each month, in order to reduce the then established child support arrears of $8,030.00.
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> 7. [Appellant] testified that he began his most recent employment with SDI…in June 2015…at the salary of $125,000.00 annually. By August 7, 2015, [appellant] testified he had been "let go." [Appellant] further testified that he has remained unemployed since August 2015 and that he was denied unemployment insurance benefits in the State of Georgia. However, no written documentation was presented to the Court by [appellant] on any of these points; nor did [appellee's] counsel have the opportunity to effectively cross-examine [appellant] as to these points as the SDI employment was not revealed to [appellee] or counsel until the time of the hearing. Additionally, reasonable efforts in pursuing discovery by [appellee] and further attempts to subpoena [appellant] and require him to appear with appropriate documents failed to yield relevant information or documents that may have assisted in a resolution of the parties' dispute.

8. [Appellant] had been previously employed with Rockwell Collins Inc., somehow involved in aviation sales. [Appellant] had been so employed with Rockwell-Collins since 2005, with the exception of a three-year gap.

9. Additionally, [appellant] received $3,200.00 a month in rental income on property he owned in Maryland. However, [appellant] testified that the rental income all went to paying the mortgage on the same property.

10. Pursuant to the Court's Order…both parties were permitted to appear by telephone with the admonition that "if the parties intend to introduce documents at the hearing, it is their responsibility to make necessary arrangements for the introduction of those documents." [Appellee] chose to appear in person with counsel, traveling from her residence in Florida to do so; [appellant] appeared via Polycom. [Appellant] was at times evasive in answering cross-examination questions put to him by counsel for [appellee]. At other times, he was less than forthcoming in response to the Magistrate's questions. Counsel for [appellee] asserted that [appellant] had been served with both Interrogatories and Request for Production of Documents, which [appellant] denied receiving.

11. Subsequent to the discovery to which [appellant] did not respond, [appellee] attempted to serve a subpoena deuces tecum on [appellant] requiring his appearance at the hearing and requiring [appellant] to bring with him certain documents enumerated in a Documents to be Produced list attached to the subpoena, which [appellant] denies receiving.

12. [Appellant] acknowledges that he has not provided child support to [appellee] since he lost his position in August 2015[.]

* * *

15. For the months of December 2015, January, and February 2016, [appellant] was allowed to participate in a financial assistance program with Wells Fargo, the sole mortgage holder for his Maryland rental property, whereby the mortgagee required a payment of only $25.00 a month for those three months in order to keep the account current. [Appellant] testified that he was no longer eligible for such assistance after March 15, 2016.

16. In short, Your Magistrate found that [appellant], as a witness, was hiding behind the skirt of the Polycom system; that, it is in the interest of justice, both for the sake of the two parties, as well as the two children of the parties, that the hearing be reconvened at a future date to be set to permit

[appellee's] counsel to complete discovery relating to [appellant's] Motion to Modify Child Support and [appellee's] Petition for Contempt, and to require the presence of both parties, in person.

17. Further complicating the issue was the Court's Order entered February 4, 2016, in response to [appellant's] request for an emergency hearing on his Motion to Modify Child Support. That Order directed that [appellant's] Motion to Modify Child Support be heard at the same time as [appellee's] Petition for Contempt, which was filed after the Court's Order permitting both parties to appear by Polycom. As a contempt matter, the hearing would normally require the personal presence of the alleged contemnor, [appellant] in this case. It not being clear from the state of the record as to whether the Court intended for [appellant] to appear with respect to his contempt proceeding via Polycom or not, Your Magistrate attempted to proceed forward. Having done so, somewhat ineffectually, it is apparent that the case should proceed forward in the more normal course of events with [appellant] required to appear in person to answer [appellee's] counsel's questions, as well as the Court's questions in a more direct fashion and to permit [appellee] to pursue sanctions, if appropriate, to ensure [appellant's] compliance with discovery. The additional time will permit [appellant] to advance his job search to secure alternate employment.

18. The records submitted on behalf of [appellee] for Rockwell Collins established the following:

    [Appellent] began employment with Rockwell Collins on February 17, 2014, as a Principal Customer Account Representative. His annual salary in 2015 was $111,700.00.

    A change of work locations from Annapolis, Maryland, to Buford, Georgia, request by [appellant], was approved by Rockwell Collins on April 29, 2015.

    [Appellant] was paid by ARINC, a subsidiary of Rockwell Collins.

    [Appellant's] employer's personnel records note his new location in Georgia as a Telecommuter.

    On June 12, 2015, [appellant] voluntarily resigned from ARINC, a subsidiary of Rockwell Collins. He was paid through June 19, 2015.

> Email from [appellant] to the employer confirms the voluntariness, on the part of [appellant], of his resignation. [Appellant] asserts that he had an opportunity to move closer to his daughter by virtue of this resignation.

Based on these factual findings, the Magistrate made, in part, the following recommendations:

> 1. That [appellant's] child support obligation be temporarily suspended, only as to current child support, without prejudice to either party, until such further hearing of the Court, such hearing to be set for May 19, 2016 at 9:00 a.m., with each party required to appear in person to address the Motion to Modify Child Support, Contempt and attorney's fees.
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> 2. That all other Court-ordered payments, other than current child support, are to be made in timely compliance with existing Orders.

On April 18, 2016, appellee filed exceptions to the Magistrate's Report and Recommendations. Appellee argued that the Magistrate erred in recommending that the Court hold another hearing because the Magistrate "fully conducted the hearing" and "the parties appeared and presented testimony and evidence." Appellee also maintained that conducting an additional hearing would be costly and prejudicial, as the parties would be required to "litigate the same issues," and would unjustly benefit appellant, who, according to appellee, failed to comply with discovery and failed to report his job change. Appellee further argued that the Magistrate erred in suspending appellant's child support obligation because appellant "did not produce evidence to support his Motion to Modify Support."[4]

[4] Appellee also asked the court to relinquish jurisdiction of the parties' case to Florida. The court ultimately declined to address that issue, finding that it was "not properly raised as part of [appellee's] Exceptions to the Magistrate's Report and Recommendation." Because neither party pursued the issue on appeal, we make no comment.

On April 19, 2016, the court entered a temporary order adopting the Magistrate's recommendations. That order was subsequently vacated, and a hearing on appellee's exceptions was scheduled for June 28, 2016. Appellant then filed a "Motion for Reconsideration of Vacated Order" and a second "Motion for Emergency Hearing" regarding his motion for modification of child support. Appellant also filed a "Motion for Modification of Child Visitation" and requested a hearing. Regarding the latter motion, the court determined that appellee had not been properly served and ordered that a ruling on appellant's motion be deferred pending proof of proper service by appellant. As to appellant's motion for reconsideration and request for an emergency hearing, the court denied appellant's request for an emergency hearing and ordered that "all open issues" would be decided at the exceptions hearing on June 28.

At that hearing, the court informed the parties, both of whom were personally present, that it had listened to a recording of the March 3rd hearing and had reviewed the exhibits, the Magistrate's recommendations, and appellee's exceptions. The court then heard arguments from the parties, starting with appellee, who reiterated the arguments raised in her written motion. Appellee also argued that the court should deny appellant's motion for modification of child support and require appellant to continue making regular support payments in conjunction with the parties' divorce judgment. Appellee further requested that the court find appellant in contempt and order him to pay any arrearages, along with attorneys' fees and costs.

Appellant then proceeded with his argument, explaining that, after he lost his job with SDI, he filed his motion for modification of child support and attached an amended

financial statement showing his then-current income, which did not include an annual salary of $111,700. The court asked appellant if he offered this document into evidence at the March 3 hearing, and appellant admitted that he did not. Appellant explained that he did not offer the financial statement during the hearing because he was under the impression that the court would consider the document if he included it with his pleading. Appellant also admitted that he did not offer any documentation at the March 3 hearing confirming the termination of his employment with SDI.

On July 15, 2016, the court entered a memorandum opinion and order regarding appellee's exceptions. As part of that order, the court found that the Magistrate's recommendation that the hearing be continued was erroneous:

> The question raised by [appellee's] exceptions is whether the Magistrate erred in not recommending a ruling on the Motion to Modify Child Support and the Petition for Contempt, rather than recommending that the hearing be continued. The Court concludes that the Magistrate erred in this regard. [Appellant] had every opportunity to present evidence at the hearing, and [appellant] was not limited by the Magistrate in any way in presenting evidence or argument. If anything, the Magistrate was exceedingly patient with [appellant] throughout the hearing, despite [appellant's] repeated refusal to answer questions, and his insistence on testifying to matters that were irrelevant to the issues as hand. Moreover, any limitation on [appellant's] ability to present his case was of [his] own making. On December 11, 2015, some 5 months before the Magistrate's hearing, the Court made clear that any party intending to participate in the hearing by telephone was responsible to make arrangements for the introduction of documents at the hearing. [Appellant] made no such arrangements, and thus did not offer any documents at the hearing. Although the Magistrate concluded that [appellant] should be afforded a second opportunity to present evidence, the Court cannot agree. Such an outcome would reward [appellant] for his lack of diligence, and punish [appellee] who presented testimonial and documentary evidence, despite [appellant's] lack of cooperation with discovery.

The court then explained that, because it found that the Magistrate had erred by not recommending a ruling on either motion, the court could either remand the case to the Magistrate for further findings or rule on both motions based on the evidence presented at the Magistrate's hearing. The court chose the latter and found that appellant had failed to meet his burden of proving a material change in circumstance:

> In this case…the Magistrate did not make a finding…that there had been a material change in circumstances[.]…The Magistrate found, and the record below supports the finding, that on June 12, 2015, [appellant] voluntarily resigned his position with Rockwell Collins to take a position with another employer that would allow him to be closer to his children. At the time of his resignation, [appellant] was earning $117,700.00 with Rockwell Collins. [Appellant's] voluntary resignation from employment under these circumstances constituted a material change in circumstances[.]
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> [Appellant] testified that…he was "let go" from his employment with SDI, that he has remained unemployed since August 2015, and that he was denied unemployment insurance benefits. However, as the Magistrate noted, no written documentation was presented to the Court by [appellant] on any of these points, and the SDI employment was not revealed to [appellee] or counsel until the time of the hearing. The Court finds that [appellant] has not met…his burden of proof as to his Motion to Modify Child Support, in that he failed to produce sufficient credible evidence of the parties' incomes for purposes of allowing the Court to recalculate his child support obligation. The Magistrate was free to believe or disbelieve [appellant's] testimony regarding his separation from employment with SDI. In the absence of any documentary evidence to corroborate [appellant's] testimony, the Court declines to accept, based on [appellant's] testimony alone, that he is currently unemployed, and that he has no current income. [Appellant] did not so much as introduce a current financial statement into evidence at the Magistrate's hearing. Consequently, even if [appellant] had produced sufficient evidence of his income, he failed to introduce any evidence of [appellee's] income so that the Court could recalculate child support. Accordingly, the Court denies [appellant's] Motion to Modify Child Support.

Regarding appellee's petition for contempt, the court found that appellee had met her burden of proving that appellant failed to meet his child support obligations under the parties' divorce judgment. Specifically, the court found that, in the six months leading up to the Magistrate's hearing, appellant had failed to provide "monthly child support payments of $2,040.00, the cost of dental insurance that [appellant] was obligated to provide, and a percentage of extraordinary medical expenses for which [appellant] was responsible." The court thereafter found appellant to be in constructive civil contempt and ordered that he pay the amounts owed, along with attorney's fees and costs.

DISCUSSION

Appellant argues that the circuit court erred in denying his motion for modification of custody.[5] Appellant maintains that there was "plenty" of evidence to support his claim that he had lost his job and had no income. This evidence included: documents submitted to the Magistrate by appellee regarding appellant's move from Rockwell Collins to SDI; appellant's testimony; appellant's need for financial assistance regarding the mortgage payments on his rental property; appellee's testimony that appellant had made regular child support payments until August 2015; and, several documents, including an updated financial statement, which appellant claims were filed with the clerk's office and were either lost or ignored by the court.

[5] In his "Question Presented," appellant claims that the circuit court erred in denying his motion for modification without granting his request for a hearing; however, appellant appears to abandon this claim in presenting his argument. Nevertheless, the record makes plain that appellant's request for a hearing was not denied, as a hearing on appellant's motion was conducted before the Magistrate on March 3, 2016.

Section 12-104(a) of the Family Law Article of the Maryland Code provides that the court "may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change in circumstance." *Id.* "In regard to a motion to modify child support, the 'threshold question' is whether a material change in circumstances has occurred since the matter was last before the trial court." *Wheeler v. State,* 160 Md. App. 363, 372 (2004). A change is "material" if it: 1) relates to the level of support a child receives or should receive; and, 2) is significant enough to justify judicial modification. *Corby v. McCarthy,* 154 Md. App. 446, 477 (2003). In other words, "a court has discretion to modify a child support award, provided that there has been a 'material change in circumstances, needs, and pecuniary condition of the parties from the time the court last had the opportunity to consider the issue.'" *Petitto v. Petitto,* 147 Md. App. 280, 306 (2002) (citations omitted). "Thus, the court must focus upon 'the alleged changes in *income* or *support*' that have allegedly occurred after the child support award was issued." *Corby,* 154 Md. App. at 477 (emphasis in original) (citation omitted).

"Unquestionably, an involuntary loss of employment is a material change in circumstances." *Rivera v. Zysk,* 136 Md. App. 607, 619 (2001). "Nevertheless, a material change in circumstances does not necessarily compel a modification." *Smith v. Freeman,* 149 Md. App. 1, 21 (2002). "Rather, a decision regarding modification is left to the sound discretion of the trial court, so long as the discretion was not arbitrarily used or based on incorrect legal principles." *Id.* "The burden of proving a material change in circumstance is on the person seeking the modification." *Corby,* 154 Md. App. at 477.

When a motion for modification of custody is filed in the circuit court, the matter is generally referred to a standing Magistrate, who is responsible for, among other things, conducting a hearing on the motion and recommending findings of facts and conclusions of law, which are recorded and submitted to the court for review. Md. Rules 9-208(a) and (b). Following the submission of the Magistrate's report, a party may file exceptions with the court, stating with particularity any perceived errors in the Magistrate's written findings and recommendations. Md. Rule 9-208(e). "If no exceptions are timely filed to the [Magistrate's] recommendation, the court may proceed to enter an order or judgment." *O'Brien v. O'Brien*, 367 Md. 547, 555 (2002).

If exceptions are filed and a hearing requested, the court must hold a hearing before a judge. Md. Rule 9-208(i). Unless the court determines that additional evidence should be considered, any exceptions must be decided based on the evidence presented to the Magistrate. *Id.* Upon consideration of a party's exceptions, the court normally will come to one of three conclusions: that the exceptions have no merit and the court should adopt the Magistrate's recommendation; that the exceptions have some merit and the court should reject the Magistrate's recommendation, in whole or in part, and make a different ruling; or, that there may be merit to the exceptions but that there must be some further proceeding before the court issues a final ruling. *O'Brien*, 367 Md. at 555.

In *Levitt v. Levitt,* 79 Md. App. 394 (1989), this Court explained the interplay between a Magistrate and the court as follows:

> The [Magistrate's] primary responsibility is to develop the first-level facts….In order properly to find first-level facts, the [Magistrate], of course, is required to assess the credibility of the witnesses who testify. After

> establishing the factual record, the [Magistrate] may then draw conclusions from the first-level facts and use these conclusions to make recommendations, which the [court] is free to disregard. It is the [court's] responsibility, not the [Magistrate's], to determine finally the parties' rights. Simply put, the [Magistrate] is a ministerial and not a judicial officer.

Id. at 399.

When reviewing the findings and recommendations of the Magistrate, the court "should defer to the fact-finding of the [Magistrate] where the fact-finding is supported by credible evidence, and is not, therefore, clearly erroneous." *Leineweber v. Leineweber,* 220 Md. App. 50, 60 (2014) (citations and quotations omitted). Such deference, however, only applies to "first-level" facts, which "are those that answer the What? Where? and How? questions." *Levitt,* 79 Md. App. at 398. "Second-level" facts, which consist of conclusions and inferences from first-level facts, are accorded no deference. *Id.* Rather, the court "must exercise [its] own independent judgment in reaching those conclusions." *Rock v. Rock,* 86 Md. App. 598, 607 (1991). "If the independent exercise of judgment by the [court] would produce results different from the conclusions and recommendations of the [Magistrate], despite the fact that these recommendations were well supported by the evidence, then these recommendations must give way to the independent judgment of the [court]." *Noffsinger v. Noffsinger,* 95 Md. App. 265, 273 (1993). "Decisions resulting from that independent judgment are to be reviewed by [this Court] and reversed only if they do not conform to the law or constitute an abuse of discretion." *Rock,* 86 Md. App. at 607. "Under these circumstances, proper appellate discipline mandates that we affirm those decisions regardless of whether we would have made the same disposition provided

those decisions were based on fact finding that was not clearly erroneous and the orders were not an abuse of discretion." *Id.*

In the present case, we hold that the court was not clearly erroneous and did not abuse its discretion in denying appellant's motion for modification of child support. Although the Magistrate made several references to appellant's assertions that he had lost his employment with SDI, the Magistrate made no express finding that appellant had in fact lost his job, nor did the Magistrate make any finding regarding appellant's current income.[6] In fact, the Magistrate appeared to defer making any sort of definitive finding on these issues, choosing instead to have the parties return to court so that it could accept additional evidence. The Magistrate also recommended that appellant's child support obligation be suspended pending the results of that hearing.

Because the Magistrate made no first-level findings of fact regarding appellant's alleged loss of employment and reduction in income, the court owed no deference to the Magistrate's findings (or lack thereof) regarding these issues. Although the Magistrate's lack of findings in this regard may have warranted further fact-finding by way of the reception of additional evidence by the court or the Magistrate, the court was not compelled to order such additional fact finding (as was recommended by the Magistrate). Rather, the court could, and did, reject the Magistrate's recommendations and issue a ruling on

[6] At one point, the Magistrate did recommend that the court should hold another hearing on appellee's contempt petition, in part because "the additional time will permit [appellant] to advance his job search to secure alternate employment." Although this statement can be interpreted in favor of appellant's position that he had lost his job with SDI, the statement may also be interpreted as a finding that appellant was simply seeking alternate employment.

appellant's motion based on the evidence presented at the March 3 hearing. In exercising its independent judgment based on that evidence, the hearing court rendered its own conclusions and denied appellant's motion for modification of child support, finding that appellant failed to present credible evidence showing the parties' current income. The court determined, therefore, that appellant failed to meet his burden of establishing a material change in circumstances, namely, that the alleged change was of such significance to justify judicial modification of the court's prior award.

Although we recognize that some, including appellant, may interpret the evidence as supporting his claim for modification, we hasten to note that, "[u]nder the clearly erroneous standard, this Court does not sit as a second trial court, reviewing all the facts to determine whether an appellant has proven his case." *Lemley v. Lemley,* 109 Md. App. 620, 628 (1996). "Instead, our task is to search the record for the presence of sufficient material evidence to support the [court's] findings." *Id.* "Additionally, all evidence contained in an appellate record must be viewed in the light most favorable to the prevailing party below." *Id.* Likewise, trial courts are afforded great deference in making decisions subject to the abuse of discretion standard, provided such decisions are "exercised to the necessary end of awarding justice and based upon reason and law[.]" *Saltzgaver v. Saltzgaver,* 182 Md. 624, 635 (1944). An abuse of discretion occurs when the court's discretion is exercised on untenable grounds or for untenable reasons, or when the court's decision is arbitrary, capricious, manifestly unreasonable, or beyond the letter or reasons of the law. *Wilson-X v. Department of Human Resources,* 403 Md. 667, 677 (2008). In other words, no abuse of discretion will be found unless the trial court's actions are "well

removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *North v. North,* 102 Md. App. 1, 14 (1994).

In light of the above standards, we cannot say that the court's denial of appellant's motion for modification was clearly erroneous or an abuse of discretion.

JUDGMENT OF THE CIRCUIT COURT FOR CARROLL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.