

Circuit Court for Prince George's County  
Case No.: CAD17-14272

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 264

September Term, 2024

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EMMANUEL AGBARA

v.

EVELYN OKOJI

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Friedman,  
Kehoe, S.  
Hotten, Michele D.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Hotten, J.

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Filed: November 18, 2024

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Appellant, Emmanuel Agbara, appeals the modification by the Circuit Court for Prince George’s County, of his child support obligation to appellee, Evelyn Okoji, and the denial of his motion to modify custody.<sup>1</sup> He presents four questions,<sup>2</sup> which we have rephrased and reordered as follows:

1. Did the circuit court err when it used an annualized income of \$164,000 to calculate Agbara’s child support arrears?
2. Did the circuit court abuse its discretion when it decided to maintain the same alimony award as was originally ordered for purposes of calculating Agbara’s alimony arrears?
3. Did the circuit court abuse its discretion when it denied Agbara’s motion to modify custody on the ground that there was no material change in circumstance?
4. Did the circuit court abuse its discretion when it attributed approximately half of Agbara’s rental income to his monthly actual income for purposes of calculating his modified child support obligation?

For the following reasons, we will vacate the modified child support award and remand for further proceedings, but otherwise affirm the judgment of the circuit court.

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<sup>1</sup> Okoji did not file a brief before this Court.

<sup>2</sup> Agbara phrased his questions as follows:

1. On remand, which income, annualized income or actual income as documented on a W-2 form, should be used to recalculate support awards in the instant case?
2. Is it permissible to substitute a formula for income from rent which does not permit the calculation of actual income from rent and did the circuit court err in using a formula which did not determine the difference between gross receipts and ordinary and necessary expenses required to produce income?
3. Should the circuit court continue a spousal ward [sic] where the grounds for the award were never true in the first place and the ex-spouse is self-sufficient five years after a divorce?
4. Did the circuit court abuse its discretion by not finding a refusal by a custodial parent to release a minor child to a non-custodial parent at a police station for nine hours for a court-ordered visitation as a denial of access?

## BACKGROUND

Okoji and Agbara are both originally from Nigeria, where they met in 2012. The parties were lawfully married in January 2013 in Nigeria but, after moving to Maryland, also married in Prince George’s County on November 25, 2013. The relationship became strained.<sup>3</sup> One child, M., was born to the parties on January 6, 2015. According to Okoji, Agbara was angry because he did not want children. Following an argument that resulted in police intervention, Okoji and Agbara separated on October 16, 2016. Thereafter, M. resided with Okoji in the marital home.

On June 13, 2017, Agbara filed a complaint for shared physical and sole legal custody of M., asserting that Okoji had denied him access to M. since the separation. Okoji filed a counter-complaint for limited divorce, sole legal and physical custody, and child support on July 14, 2017. Thereafter, Agbara filed a supplemental complaint for absolute divorce on the ground of adultery on August 4, 2017.

The circuit court held a trial in the divorce action on May 7 and 8, 2018. Agbara testified that between the date of the parties’ separation and the trial, Okoji permitted him very limited visitation with M. Okoji asserted that it was because she was afraid of him, and unsure how to contact him because he had told her not to call him. Agbara also produced three recent paystubs and his 2017 W-2 form documenting gross income of \$105,417.80. His paystubs showed first quarter gross income of \$41,328.97. The paystubs reflected that Agbara’s first quarter income included overtime pay in addition to regular

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<sup>3</sup> For example, Okoji claimed that shortly after they married, Agbara told her that she was not as beautiful as he had initially thought and that he did not love her.

earnings. Okoji produced a financial statement indicating gross monthly wages of \$2,101.60, and she also stated that she works 40 hours per week at \$14 per hour.<sup>4</sup>

The circuit court ultimately filed a written order granting absolute divorce on June 15, 2018 based on the one-year separation, rather than on grounds of adultery. Based on the child support guidelines, the court calculated that Agbara would have to pay \$2,331 per month in child support if Okoji had sole custody of M., and \$2,164 per month if the parents had joint custody. Since the mortgage payment on the marital home was \$2,200 per month, the court declared, “that’s his child support.”<sup>5</sup> The court then found that permanent alimony was unnecessary, and ordered limited alimony payments of \$1,000 per month for the first year and \$500 per month for the next year. Finally, the court declined to award Agbara primary physical custody of M. Instead, the court ordered an increase in Agbara’s access to M., adding that Okoji could face contempt of court if she continued to withhold access. Additionally, the court granted Okoji and Agbara joint legal custody of M., with Okoji having final decision-making authority on educational issues and Agbara having final decision-making authority on medical issues.

Agbara appealed the Judgment of Absolute Divorce (“JAD”) on June 29, 2018, arguing that the circuit court erred in calculating the amount of its award of child support to Okoji, and that the circuit court erred by awarding primary physical custody to Okoji in

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<sup>4</sup> Prior to the start of the hearing on May 8, Agbara filed a supplemental complaint for absolute divorce based on a voluntary one-year separation.

<sup>5</sup> Agbara was to pay the mortgage, water bill, and gas bill for the marital home in lieu of child support until August 31, 2018, when Okoji was required to vacate, and \$2,200 per month by earnings withholding thereafter.

light of evidence that Okoji had denied M. medical care and denied Agbara access to M. Regarding the child support award, Agbara specifically argued that the circuit court erred in estimating his annual income by multiplying his 2018 first quarter’s gross income by four, rather than referring to his documented 2017 actual gross income, because the first quarter income contained pay for irregular overtime and other extra pay.

On July 29, 2019, in an unreported opinion, this Court affirmed the circuit court’s custody ruling but vacated the child support and alimony awards, and remanded the case to the circuit court for further proceedings consistent with the opinion. As for the circuit court’s custody ruling, this Court held that “[g]iven the record before us and the deference owed to the circuit court, we conclude that the court did not abuse its discretion in awarding primary physical custody to Wife.”

As for the circuit court’s child support ruling, this Court found that the circuit court failed to decide the issue of alimony before determining Agbara’s child support obligation, and did not adjust the parties’ incomes to reflect payment of that alimony to Okoji when it calculated the amount of child support. On remand, this Court instructed the circuit court to consider any alimony award to Okoji as part of her income, and to reduce Agbara’s income by the amount of such alimony payment.

This Court also found that the circuit court erred factually in calculating both Okoji and Agbara’s actual monthly income. First, the circuit court stated that Agbara’s monthly income, based on annualized income of \$164,000, was \$13,776. However, \$164,000 divided by twelve equals \$13,666.67, creating an overstatement of Agbara’s income by approximately \$109 per month. Additionally, in calculating Okoji’s yearly income, the

circuit court multiplied her first quarter income by three and then divided by twelve to reach a monthly income of \$1,778. However, the proper calculation would have been to multiply Okoji’s first quarter income by four and then divide the total by twelve.<sup>6</sup> For these reasons, this Court vacated the child support award and remanded with instructions for the circuit court to recalculate the numbers correctly.

However, in its 2019 opinion, this Court rejected Agbara’s argument that the circuit court erred in including his first quarter overtime and other extra pay in its annualization of his income to \$164,000, explaining that “[i]t is often necessary to calculate child support based on currently existing circumstances, even though the court and the parties are aware that there is a possibility that the conditions might change in the future.” This Court noted that “[i]f Husband experiences a significant reduction in the income as calculated by the court, he will be entitled to file for a downward modification of his child support obligation.”

On August 8, 2023, Agbara moved to modify child support and custody. Agbara argued that his current income was not as calculated in the JAD, and therefore he asked that the circuit court recalculate his child support obligations at his current income level. Additionally, in his Motion for Contempt, to Allow Access, Modify Custody, and for Ancillary Relief, Agbara asked that Okoji be found in contempt of the JAD for barring all access to M. since January 27, 2020.<sup>7</sup>

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<sup>6</sup> By only multiplying her first quarter income by three, the circuit court excluded three months of Okoji’s income, understating her income by one quarter.

<sup>7</sup> Agbara also asked the circuit court to award him makeup visitation for the denial of access, and that he be awarded sole legal and physical custody of M.

The circuit court held its first motions hearing on October 25, 2023.<sup>8</sup> Agbara testified that he had not seen M. since January 2020. He further testified that although he attempted to contact Okoji continuously to see M., Okoji did not respond to any of the text messages over a two-year period. Agbara was scheduled to pick up M. for visitation on June 19, 2020, but was not able to pick up the child because Okoji kept the child strapped in the car. Agbara also testified about one of M.’s doctor’s appointments that he attended, where he claims Okoji “dragged the child to the female bathroom” to keep the child from going to Agbara and meeting his new wife.

Okoji also testified at the October 25 hearing. She denied preventing Agbara from seeing M. She further testified that M. did not go to Agbara for the June 2020 visitation because M. refused to do so, not because she strapped him in the car. Okoji also claimed that Agbara does not respond to her phone calls or text messages. Following this hearing, the circuit court entered a Pendente Lite Access Order on November 3, 2023, in which the court ordered that Agbara have supervised access on November 18 and December 2, 2023, visitation on December 16, 2023, and January 6, 2024, and visitation from January 19, 2024, to January 21, 2024. The trial judge described this as a “dress rehearsal for my custody determination.”

The supervised access on November 18 and December 2, 2023, went smoothly. When asked how M. reacted during the supervised visits, Agbara testified that the child was “excited,” that they played games together, and that the child shared what he was

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<sup>8</sup> The court held two additional motions hearings on February 20 and 21, 2024.

learning in school. However, the scheduled visitations for December 16, 2023, and January 6, 2024, did not go as planned. Both parties claimed that the other did not show up for pick up on December 16. Regarding the January 6 visitation, both parties testified that they sat in a police station all day. Agbara attributed this to Okoji not letting the child go to him, but Okoji testified that the child did not want to go to him. Finally, Agbara did not show up to pick up M. for his overnight visitation on January 19, because Okoji did not let him have the child for nine hours on January 6.

On March 8, 2024, the circuit court ruled on the motions. First, as to the issue of custody, the court found that there was no material change in circumstance because “Plaintiff’s contention that Defendant Mother has withheld access to M. is long standing in this case and dates back as far as the complaint for custody and related relief filed in 2017.” Finding no material change in circumstance, the court’s inquiry stopped there, and the court reiterated the terms and conditions of the JAD as they relate to custody in its order.

Regarding the issue of child support, the circuit court found that “there has been a material change since the last child support order was given effect.” Thus, in addition to recalculating Agbara’s prior child support obligations in accordance with this Court’s instructions, the circuit court also reduced Agbara’s child support payments going forward by adjusting both his and Okoji’s monthly adjusted actual income. Specifically, the court determined Agbara’s monthly adjusted actual income by adding \$3,000 in monthly rental income to the monthly income reported on Agbara’s 2023 W2 form. The court arrived at the \$3,000 figure by attributing approximately half of the \$3,550 generated from Agbara’s



Maryland property and the \$2,300 generated from his Florida property to his monthly income. Based on the new monthly adjusted actual incomes, the circuit court ordered that effective April 1, 2024, the new child support payment was calculated at \$2,004 per month.

Agbara filed a timely notice of appeal on April 5, 2024.

### **STANDARD OF REVIEW**

“Child support orders ordinarily are within the sound discretion of the trial court. Likewise, the question of whether to modify an award of child support 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.” *Walker v. Grow*, 170 Md. App. 255, 266 (2006) (quotations and citations omitted). “[W]here the order involves an interpretation and application of Maryland statutory and case law, our Court must determine whether the lower court’s conclusions are legally correct under a *de novo* standard of review.” *Id.* (quotations and citations omitted).

“This court reviews child custody determinations utilizing three interrelated standards of review.” *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012). Those standards of review are as follows:

When the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8–131(c)] applies. [Second,] if it appears that the [court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court’s] decision should be disturbed only if there has been a clear abuse of discretion.

*Id.* (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). “We recognize that ‘it is within the sound discretion of the [trial court] to award custody according to the exigencies of each

case, and ... a reviewing court may interfere with such a determination only on a clear showing of abuse of that discretion.” *Id.* at 171 (quoting *In re Yve S.*, 373 Md. at 585-86).

## DISCUSSION

### **I. It was not Error for the Circuit Court to Use an Annual Income of \$164,000 to Calculate Agbara’s Child Support Arrears**

Agbara argues that the circuit court erred in using an annualized income of \$164,000 when it recalculated his past child support obligations to ascertain how much he owed in child support arrears. Instead, he contends that the court should have retroactively modified his child support obligations for 2018, 2019, 2020, 2021, 2022, and 2023 to reflect the actual income shown on his W-2 forms from each of those years.

Agbara mischaracterizes the 2019 opinion of this Court. He asserts that his actual income for 2018 was \$117,906, a difference of \$46,094 from the \$164,000 figure the circuit court used when it originally calculated his child support obligations. He claims that this inflated income figure was the basis for this Court’s vacating his support obligations in its 2019 opinion. This is an incorrect reading of the opinion, which clearly stated, “We agree with Husband that his child support obligation must be recalculated *but for reasons that differ from those he presents.*”

This Court rejected Agbara’s argument that the circuit court erred in calculating his child support obligations based on an annualized income of \$164,000, reasoning that “[i]t is often necessary to calculate child support based on currently existing circumstances, even though the court and the parties are aware that there is a possibility that the conditions might change in the future.” This Court further explained that if Agbara wanted a reduction

in his child support obligations, he could “file for a downward modification of his child support obligation.” Thus, this Court did not disturb the circuit court’s finding that Agbara’s annual income was \$164,000 at the time of the child support award. Rather, this Court only vacated the award and remanded to the circuit court to correct simple mathematical errors, like dividing 164,000 by twelve.

On remand, the circuit court made the mathematical corrections ordered by this Court and recalculated both Okoji and Agbara’s monthly incomes accordingly from 2018 to 2023 to determine how much Agbara currently owes in child support arrears for those years. Agbara, however, argues that the court should have retroactively modified his support payments for those years based on the actual annual incomes shown in his W-2 forms.

A circuit court considering a motion to modify child support “may not retroactively modify a child support award prior to the date of the filing of the motion for modification.” Md. Code Ann., Fam. Law § 12-104(b); *see also Petitto v. Petitto*, 147 Md. App. 280, 309 (2002) (“Family Law § 12-104(b) specifically limits retroactive modification of a child support award to the date of filing for a modification”). This does not mean, however, that a court cannot make an award apply retroactively *to the date of the filing* of the motion to modify. “The decision to make a child support award retroactive to the filing of the [motion to modify] is a matter reserved to the discretion of the trial court.” *Petitto*, 147 Md. App. at 310. However, “the court is *not required* to make a modification retroactive to the date of filing of the relevant complaint.” *Id.* (emphasis added).

Here, Agbara filed his Motion to Modify and/or Reduce Child Support on August 8, 2023. Under Section 12-104(b), the circuit court was prohibited from retroactively modifying his child support obligation prior to August 8, 2023. Thus, the court correctly used a base monthly income of \$13,667 to calculate Agbara’s child support arrears for that period. The circuit court could have made its modification retroactive to August 8, 2023, but was not required to do so. Instead, the court decided to make its modification effective April 1, 2024. It was not error for the court to decline to make its modification retroactive to August 8, 2023, since such a decision was within the discretion of the court.

**II. The Circuit Court Did Not Abuse its Discretion when it Decided to Maintain the Same Alimony Award After Considering Evidence from Both Parties of Changed Economic Circumstances**

Agbara argues that the circuit court failed to consider both his and Okoji’s changed economic circumstances when considering a spousal support award. He points out that, compared with his actual documented income, the model income of \$164,000 had been overstated by 39%. Additionally, he asserts that Okoji’s economic circumstances have improved since the JAD, pointing to her improved skills, steady employment, and the fact that she drives a Toyota SUV. Agbara also points to a Fidelity investment account worth over \$25,000 that he claims Okoji controls.

This Court will not disturb an alimony award “unless the trial judge’s discretion was arbitrarily used or the judgment below was clearly wrong.” *Boemio v. Boemio*, 414 Md. 118, 124 (2010) (quoting *Solomon v. Solomon*, 383 Md. 176, 196 (2004)). We “accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings.” *Id.* at 124-25 (quoting *Tracey v. Tracey*,

328 Md. 380, 385 (1992)). “Thus, absent evidence of an abuse of discretion, the trial court’s judgment ordinarily will not be disturbed on appeal.” *Id.* at 125 (quoting *Solomon*, 383 Md. at 196).

During the 2018 divorce trial, the circuit court found that permanent alimony was unnecessary, and awarded \$1,000 per month for one year and \$500 per month for the next year. On appeal, this Court vacated the child support award “[b]ecause of the factual and legal errors in the court’s child support decision-making process.” Additionally, because alimony and child support “involve overlapping evaluations of the parties’ financial circumstances,” this Court also vacated the alimony awards so that the circuit court, on remand, could appropriately weigh the alimony awards into its calculation of child support. *St. Cyr v. St. Cyr*, 228 Md. App. 163, 198 (2016). This Court stated that it was giving the circuit court on remand the ability to re-evaluate both forms of economic relief. However, this Court did not *require* the circuit court to change its alimony award. This Court only said that the circuit court should *permit* the parties to present evidence as to changed economic circumstances.

Agbara fails to show that the circuit court abused its discretion in maintaining the same amounts for alimony as were originally awarded in the JAD. The court considered testimony regarding the financial posture of both parties. Agbara testified that he works for Inova Health System as a registered nurse and earns an annual income of \$105,464.42. Okoji testified to an annual income of \$32,181.27. Agbara also testified that he makes \$3,550 in rental income from his Maryland properties and \$2,300 in rental income from his Florida properties. When asked whether she took \$30,000 from a joint investment

account, Okoji responded, “I don’t know.” When asked about \$3,000 of nontaxable income listed in her 2023 W-2 form, Okoji stated that she did not know what it was. Okoji also testified that she was taking Continuing Medical Education (CME) classes to dispense medication, and that she works with young children with intellectual disabilities.

The circuit court considered this evidence and, in calculating Agbara’s arrears, decided to maintain his alimony obligations at the same levels they were before. In the absence of any evidence that the circuit court abused its discretion, we will affirm its calculation of alimony.

**III. The Circuit Court Did Not Abuse its Discretion in Determining, Based on the Testimony and Exhibits Admitted into Evidence, that Agbara Failed to Prove a Material Change in Circumstance to Modify Custody**

Agbara argues that the circuit court erred in denying his motion to modify custody because, according to him, an incident on January 6, 2024, where Okoji allegedly refused to release M. to Agbara for a court-ordered visitation, shows that an award of primary physical custody to Okoji does not serve M.’s best interest.

This Court’s review of a circuit court’s determination whether to modify a child custody order is highly deferential, and “we will set aside a judgment only on a clear showing that the [trial court] abused [its] discretion.” *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020) (quoting *Viamonte v. Viamonte*, 131 Md. App. 151, 157 (2000)). “An abuse of discretion may occur when no reasonable person would take the view adopted by the trial court, or when the court acts without reference to any guiding rules or principles, or when the ruling is clearly against the logic and effect of facts and inferences before the court.” *Id.*

When determining whether to modify custody, “a trial court employs a two-step process: (1) whether there has been a material change in circumstances, and (2) what custody arrangement is in the best interests of the children.” *Santo v. Santo*, 448 Md. 620, 639 (2016). “‘The threshold—but not paramount—issue is the existence of a material change,’ and so ‘there can be no modification of custody unless a material change of circumstance is found to exist.’” *Velasquez v. Fuentes*, 262 Md. App. 215, 247 (2024) (quoting *Wagner v. Wagner*, 109 Md. App. 1, 29 (1996)). The burden is on the moving party to show a material change in circumstances since entry of the final custody order. *Gillespie v. Gillespie*, 206 Md. App. 146, 171-72 (2012).

After considering the testimony and exhibits admitted into evidence, the circuit court found that there has been no material change in circumstance. Having found no material change in circumstances, the court went no further, and stated that the terms and conditions of the JAD were reiterated and refreshed in its order. In its explanation as to why it found no material change in circumstance, the court noted that Agbara’s contention that Okoji has withheld access to M. is long standing in this case and dates back as far as the complaint for custody and related relief filed in 2017.

There is nothing in the record to suggest that the court abused its discretion in so deciding. The circuit court heard testimony from both parties during its hearings on the motions. Agbara testified that Okoji has withheld access to M. since January 2020, that she does not respond to his text messages, that she moved and has hidden her new address from him, and that when he has arrived to pick up M. for multiple court-ordered visitations, Okoji has either not shown up, or has refused to let M. go with Agbara. Okoji, on the other

hand, testified that she has never refused access to M., that Agbara does not respond to *her* text messages, that her address is hidden as part of a state-run address confidentiality program, and that M. refuses to go with Agbara for visitations because M. is afraid of Agbara, not because she is refusing to let him go. Additionally, both sides produced hundreds of photos and text messages purporting to support their versions of events.

In a situation like this, “[t]he trial judge who ‘sees the witnesses and the parties, [and] hears the testimony ... is in a far better position than the appellate court, which has only a [transcript] before it, to weigh the evidence and determine what disposition will best promote the welfare of the [child].’” *Gizzo*, 245 Md. App. at 201 (quoting *Viamonte*, 131 Md. App. at 157). The circuit court has the “unique opportunity to observe the demeanor and the credibility of the parties and the witnesses.” *Id.* (citations and quotations omitted). As the circuit court stated in its decision, Agbara’s contentions date back almost a decade to the filing of his original complaint for custody. Thus, as “[t]he selection of a custodial parent who would serve the child’s best interests ‘was neither easy nor clearcut’ here, [] it was one ‘for [the trial judge] to make in the exercise of [her] discretion.’” *Gizzo*, 245 Md. App. at 206 (quoting *Bienenfeld v. Bennett-White*, 91 Md. App. 488, 502-03 (1992)).

#### **IV. The Circuit Court Abused its Discretion When it Failed to Subtract “Ordinary and Necessary Expenses” from Gross Rental Income Before Including that Income in its Child Support Calculation**

Agbara argues that the circuit court applied an impermissible formula to calculate his income from rent when it applied approximately half of all rents collected to Agbara as rental income without first subtracting the rental expenses required to produce that rent. In support of this argument he points to Md. Code Ann., Fam. Law § 12-201(b)(2), which



states, “For income from self-employment, *rent*, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, ‘actual income’ means *gross receipts minus ordinary and necessary expenses* required to produce income.” (emphasis added).

In *Reichert v. Hornbeck*, this Court held that it was “error for the circuit court to calculate [a payor’s] child support obligations by including the gross rent he received for his condominium without subtracting ‘ordinary and necessary expenses required to produce [that] income[.]’” 210 Md. App. 282, 327, n.12 (2013) (quoting Md. Code Ann., Fam. Law § 12-201(b)(2)).

In the case at bar, it is not clear that the circuit court actually subtracted the ordinary and necessary expenses required to produce Agbara’s rental income before applying that income to its calculation of his child support obligations. The circuit court’s entire analysis of this issue is as follows:

This court does not find credible the testimony of Mr. Agbara that his rental properties generate no revenue. His testimony was that his Maryland property generates rental income of \$3550.00 and that his Florida property generates \$2300 in rental income. This court attributed approximately half of this amount to his monthly income and found \$3000.00 in monthly rental income to Mr. Agbara.

Based on the figures provided, Agbara’s gross monthly rent is \$5,850. In finding \$3,000 in monthly rental income, the court also implicitly found \$2,850 in ordinary and necessary expenses. However, it is unclear where the court came up with that figure. The court did not explain why it found \$2,850 in ordinary and necessary expenses. Instead, it appears that the court arbitrarily decided to treat approximately half of Agbara’s gross rent as ordinary and necessary expenses.

“An abuse of discretion occurs ‘where no reasonable person would take the view adopted by the [trial] court[ ] ... or *when the court acts without reference to any guiding principles*, and the ruling under consideration is clearly against the logic and effect of facts and inferences before the court [ ] ... or when the ruling is violative of fact and logic.’” *Bacon v. Arey*, 203 Md. App. 606, 667 (2012) (quoting *Beyond Sys., Inc. v. Realtime Gaming Holding Co., LLC*, 388 Md. 1, 28 (2005)) (emphasis added). “As long as the trial court’s findings of fact are not clearly erroneous and the ultimate decision is not *arbitrary*, we will affirm it, even if we might have reached a different result.” *Malin v. Mininberg*, 153 Md. App. 358, 415 (2003) (emphasis added).

Here, the circuit court abused its discretion when it decided to attribute approximately half of Agbara’s gross monthly rent to his monthly income. On remand, the circuit court should render a specific factual finding as to what amount constitutes the ordinary and necessary expenses required to produce Agbara’s rental income, and then subtract that amount from his gross monthly rental income of \$5,850 to determine his actual income from rent. Since the circuit court failed to do that in this case, its modified child support award should be vacated.

**JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY IS AFFIRMED IN PART AND VACATED IN PART. CASE IS REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS ARE TO BE DIVIDED EQUALLY BETWEEN THE PARTIES.**