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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-379

Filed 16 January 2024

Mecklenburg County, No. 19-CVD-23744

ROBIN MILFORD, Plaintiff,

v.

WILLIAM SCOTT MILFORD, MULCH LIFE, INC., CHARLOTTE PLAYSETS, INC., AND OTTER LIMIT, LLC, Defendants.

Appeal by defendant William Scott Milford from order entered 28 September 2022 by Judge Gary L. Henderson in Mecklenburg County District Court. Heard in the Court of Appeals 14 November 2023.

Miller Bowles Cushing, PLLC, by Nicholas L. Cushing, for plaintiff-appellee.

Rech Law, P.C., by Kate A. Rech and Alaina T. Prevatte, for defendant-appellant.

THOMPSON, Judge.

In this equitable distribution matter between Robin Milford (plaintiff) and Scott Milford (defendant), defendant appeals the trial court's order on child custody, child support, equitable distribution, and attorney's fees entered on 22 September 2022 in District Court, Mecklenburg County. Defendant alleges that the trial court

erred (1) by conducting a trial and multiple other hearings without any notice to corporate defendants, Mulch Life, Inc., Charlotte Playsets, Inc., and Otter Limit, LLC; (2) by failing to enter an order for over nine months post-trial and by conducting a post-trial hearing to take evidence only as to one limited asset that had already been stipulated to by the parties; (3) in finding that the presumption of an in-kind distribution had been rebutted; (4) in ordering defendant to sell the marital residence to pay a portion of defendant's distributive award owed to plaintiff and/or to pay a distributive award without making a determination that defendant had sufficient assets to do so; (5) in the trial court's determination of the date-of-separation values for Mulch Life, Inc. and Charlotte Playsets, Inc.; (6) in failing to determine a current value of the property to be distributed and, thus, determining the divisible property, including Mulch Life, Inc. and Charlotte Playsets, Inc.; and (7) by awarding attorney's fees to plaintiff. We affirm the trial court.

I. Factual Background and Procedural History

When the matter came on for virtual hearing on 3 December and 8–9 December 2021, and 22 September 2022, the evidence tended to show the following: Plaintiff and defendant were married on 16 September 2000, with two children born of the marriage, and separated on 8 November 2019. At the time of separation, defendant retained the marital residence and both of the children resided there with him. During the marriage, the couple started three businesses—Mulch Life, Inc., which provided mulch and rock landscaping; Charlotte Playsets, Inc., which sold and

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installed commercial and residential playgrounds; and Otter Limits, LLC, which was a holding company that held title to real property at 8715 Wilkinson Boulevard in Charlotte. While both of the parties contributed to and were involved with the businesses, and neither plaintiff nor defendant was employed outside of the businesses, defendant handled the paperwork involved in the creation of the business entities and therein named himself as sole owner of each.

When the matter came on for trial in December 2021, the court received testimony from plaintiff and defendant; in addition, Joshua Beau Leonard testified on behalf of plaintiff as to the value of the Wilkinson Boulevard property, and Tim Morrison testified as an expert witness on behalf of plaintiff and Daniel O'Connell offered testimony as an expert witness on behalf of defendant as to the date-of-separation value of Mulch Life, Inc. and Charlotte Playsets, Inc. The parties submitted written closing arguments to the court on 5 January 2022. The trial court issued its ruling by email on 13 April 2022; the parties subsequently submitted their proposed orders to which the trial court directed changes on 11 July 2022. On 25 July 2022, plaintiff filed a Motion to Reconsider Distributive Award Payment Schedule and/or Motion to Amend Ruling Prior to Entry of Order and defendant filed his memorandum in opposition to plaintiff's motion on 21 September 2022. On 22 September 2022, the trial court held a hearing on plaintiff's motion to reconsider, taking evidence limited to the value of the marital residence post-separation. The trial court entered an order on 28 September 2022 wherein the payment of the

distributive award from defendant to plaintiff was modified and the court required defendant to sell the marital residence, split the proceeds in half with plaintiff—reducing plaintiff's portion from defendant's distributive award payment—and ordering defendant to pay quarterly payments of \$50,000 until the distributive award to plaintiff was satisfied. Defendant timely filed his notice of appeal from the 28 September 2022 order on 24 October 2022.

II. Analysis

Defendant contends that the trial court erred (1) by conducting hearings and a trial in the absence of notice to the corporate defendants; (2) by entering its order more than nine months after trial and by conducting a post-trial hearing to take evidence; (3) in finding that the presumption of an in-kind distribution had been rebutted; (4) in ordering defendant to sell the marital residence to pay a portion of defendant's distributive award owed to plaintiff and/or to pay a distributive award without making a determination that defendant had sufficient assets to do so; (5) in the trial court's determination of the date-of-separation values for Mulch Life, Inc. and Charlotte Playsets, Inc.; (6) in failing to determine a current value of the property to be distributed and, thus, determining the divisible property, including Mulch Life, Inc. and Charlotte Playsets, Inc.; and (7) by awarding attorney's fees to plaintiff.

A. Standard of review

When the trial court sits without a jury, the standard of review on appeal is whether there was competent evidence to support the trial court's findings of

fact and whether its conclusions of law were proper in light of such facts. While findings of fact by the trial court in a non-jury case are conclusive on appeal if there is evidence to support those findings, conclusions of law are reviewable de novo.

Our review of an equitable distribution order is limited to determining whether the trial court abused its discretion in distributing the parties' marital property. Accordingly, the findings of fact are conclusive if they are supported by any competent evidence from the record.

Robbins v. Robbins, 240 N.C. App. 386, 395, 770 S.E.2d 723, 728 (citations, quotation marks, and brackets omitted), *disc. review denied*, 368 N.C. 283, 775 S.E.2d 858 (2015). "A trial court may be reversed for abuse of discretion only upon a showing that its actions are manifestly unsupported by reason." *White v. White*, 312 N.C. 770, 777, 324 S.E. 2d 829, 832 (1985) (citation omitted). "Whether a party has adequate notice is a question of law, which [will be] review[ed] de novo." *Swanson v. Herschel*, 174 N.C. App. 803, 805, 622 S.E.2d 159, 160 (2005) (citation omitted).

B. Notice to corporate defendants

Defendant first argues that it was error for the trial court to conduct the trial in this matter because he contends that the corporate defendants did not have "any notice" of trial. We find this contention utterly meritless.

The parties separated on 8 November 2019, and from that date until the trial, defendant exercised sole control over the corporate defendants. The three corporate defendants in this matter—Mulch Life, Inc., Charlotte Playsets, Inc. and Otter Limits, LLC—were named by plaintiff in her complaint for child custody, post-

separation support, alimony, equitable distribution, and attorney's fees and motion for interim distribution which she filed on 17 December 2019 and on that date, the trial court issued summonses against the corporate defendants along with defendant. On 8 January 2020, defendant accepted service on behalf of himself and "in [his] capacity as manager and registered agent of" each of the corporate defendants.

Before this Court, defendant asserts:

Following the proper service on the corporate defendants, it does not appear from the Record that the corporate defendants were ever noticed of any further proceedings (including the equitable distribution trial) . . . , served with any further filings, nor did they participate in the entry of various consent orders affecting their interest.

(Emphasis in original.) However, in a footnote to this statement, defendant also acknowledges that "[t]here is no indication in the court file that corporate defendants were ever represented" by counsel. This lack of legal representation was entirely at the election of defendant, who at all times during the litigation here was the sole owner, manager, and registered agent of the corporate defendants. For this reason, corporate defendants could not have "participated" in the litigation of this matter regardless of formal notice because "in North Carolina a corporation must be represented by a duly admitted and licensed attorney-at-law and cannot proceed pro se" unless doing so in accordance with specific limited exceptions which are inapplicable here. *LexisNexis, Div. of Reed Elsevier, Inc. v. Travishan Corp.*, 155 N.C. App. 205, 209, 573 S.E.2d 547, 549 (2002).

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Moreover, defendant does not identify to whom—other than defendant himself—any further notice to the corporate defendants could have been provided. Defendant does not suggest that he failed to receive notice, in his personal capacity, of all proceedings in this case, and he fully participated in the trial and all other aspects of this case. In his capacity as the only apparent party with any ability to act on behalf of the corporate defendants—such as by obtaining counsel on the corporate defendants’ behalf—defendant, although present at all proceedings below, never raised any concern regarding notice in the trial court. Given defendant’s corporate roles in this matter, his choice to not obtain counsel for corporate defendants, his full participation in the proceedings in his personal capacity, and his failure at any point to raise this notice issue below, it is difficult to see defendant’s argument on this point as anything more than a disingenuous contention, reeking of gamesmanship. If, *arguendo*, plaintiff had served notice of all proceedings on corporate defendants—to *defendant*—along with notice of those same proceedings *to defendant* in his personal capacity, we cannot perceive any potentially different result in the course of the trial and related matters below, other than the absence of this appellate argument.

“Notice is adequate if it is ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Swanson*, 174 N.C. App. at 805, 622 S.E.2d at 161 (quoting *City of Randleman v. Hinshaw*, 267 N.C. 136, 140, 147 S.E.2d 902, 905 (1966)). To the extent that defendant has preserved his right to argue this issue

on appeal despite having failed to raise it below, we hold that in the circumstances here, notice to corporate defendants was adequate. *See id.* This argument is overruled.

C. Timing of entry of order and holding post-trial hearing

Defendant next argues that “the trial court erred by failing to enter an order for over nine months post-trial and by conducting a post-trial hearing to take evidence only as to one limited asset the value of which had already been stipulated to by the parties.”¹ We disagree with both contentions.

Regarding defendant’s argument that the lapse of time between the end of trial and the entry of the court’s order—approximately nine months—he cites only *Wall v. Wall*, in which this Court determined that a delay of nineteen months between the conclusion of a trial for equitable distribution and entry of the equitable distribution order “was more than a *de minimis* delay, and require[d] that the trial court enter a new distribution order on remand.” 140 N.C. App. 303, 314, 536 S.E.2d 647, 654 (2000). In *Wall*, the Court did not set out a bright-line rule for assessing whether a delay was permissible or required remand, instead opining that upon the lengthy delay in that particular matter, it was appropriate for “the trial court to allow the parties to offer additional evidence as to any *substantial changes in their respective*

¹ As noted by plaintiff, it appears that defendant “is objecting to the delay in entry of the [o]rder as it relates to the equitable distribution issue only. . . . [but not] as it relates to the issues of custody, child support or attorney’s fees.”

conditions or post-trial changes, if any, in the value of items of marital property.” *Id.* We agree with defendant that this case is useful in resolving his argument, but we find that it does not support his position.

Beyond the obvious distinction between a delay of nine months here and a delay of nineteen months in *Wall*, we note that the remand in *Wall* was to enable the receipt of “additional evidence as to any substantial changes in their respective conditions or post-trial changes, if any, in the value of items of marital property.” *Id.* In this matter, part of the delay was, in defendant’s own words, a result of a post-trial hearing on plaintiff’s motion to reconsider, held because “[defendant] had, allegedly, received an offer on the marital residence that was greater than what the parties had stipulated to as the value and, for that reason, the trial court should reconsider how the distributive award was to be paid.”² Thus, defendant argues error in the delay of the entry of the order because the trial court took the time to receive additional evidence while relying on a case which the Court remanded after a delay of more than double the amount of time occurred specifically so that additional evidence could be taken.

Looking beyond this somewhat confused position, we note that our Court has

² Here, following a three-day trial, both parties submitted written closing arguments, and the trial court emailed a ruling on 13 April 2022. Competing potential final orders were submitted to the trial court on 11 July 2022. On 25 July 2022, plaintiff filed a motion to reconsider, and a post-trial hearing was conducted on 22 September 2022. On 28 September 2022, the trial court’s “Order for Child Custody, Child Support, Equitable Distribution, and Attorney’s Fees” was entered.

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declined to remand cases where no prejudice was shown by the appealing party despite a delay of sixteen months, *Britt v. Britt*, 168 N.C. App. 198, 202, 606 S.E.2d 910, 912 (2005), fifteen months, *Mosiello v. Mosiello*, 285 N.C. App. 468, 478, 878 S.E.2d 171, 180 (2022), or seven months, *White v. Davis*, 163 N.C. App. 21, 25–26, 592 S.E.2d 265, 269–70, *disc. review denied*, 358 N.C. 739, 603 S.E.2d 127 (2004). Defendant cannot establish prejudice by the delay here given that (1) he concedes in his appellate brief, “he took the position at the hearing that a delay was de minimis,” *see Balawejder v. Balawejder*, 216 N.C. App. 301, 307, 721 S.E.2d 679, 683 (2011) (emphasizing that “the law does not permit parties to swap horses between courts in order to get a better mount”), and (2) defendant *benefitted* from the delay in the entry of the final order.

As to the latter point, the transcript of the hearing on plaintiff’s motion to reconsider, her counsel noted to the trial court:

In her argument, [defendant’s counsel] acknowledged that the home’s value has gone up, because she said we’re trying to somehow take advantage of that and get a windfall for [plaintiff]. Well, the reality, Judge, if you noted, we are doing the opposite. The windfall actually goes to [defendant] and the reason for that is because we have not asked to change the value of the home. *We’re not asking for you to recalculate the distributive award based on a higher value to the home. We are still going with the value of the home that was stipulated to or the evidence showed at trial.* What we are saying is actually give [defendant] a windfall because *we can sell the home at the higher value and use the proceeds to pay the distributive award without also increasing the distributive award to account for the higher value of the home. So this gives [defendant] a \$200,000*

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windfall. And that, I think, is more than reasonable to him and what we want in exchange is simply to get the distributive award paid a little bit quicker. If we were arguing that we should redo the numbers then we would be saying instead of a distributive award being 770 or whatever it is, it should really be 870. But we're not making that argument, as you noted.

(Emphases added.) Moreover, as the trial court noted at the same hearing, “what’s very relevant to the [c]ourt is the fact that . . . there was a change in position in terms of . . . that [defendant] wanted to maintain the marital home because the children lived there. *And clearly, that position has changed.*” (Emphasis added.) Accordingly, plaintiff did not, as defendant asserts on appeal, violate his rights by “submitting evidence that contradicted her stipulation at trial.”

In this vein, we briefly address defendant’s assertion that the trial court erred in conducting the post-trial hearing and taking certain new evidence after the end of the trial but before the entry of an order. “It is well settled that it is within the discretion of the trial judge to reopen a case and to admit additional evidence after both parties have rested” *State v. Shutt*, 279 N.C. 689, 695, 185 S.E.2d 206, 210 (1971) (citations omitted), *cert. denied sub nom. Shutt v. North Carolina*, 406 U.S. 928 (1972); *see also In re A.B.*, 239 N.C. App. 157, 171, 768 S.E.2d 573, 581 (2015) (citing N.C. Gen. Stat. § 1A-1, Rule 58). Defendant has neither argued nor demonstrated that the trial court’s decision to do so here was “manifestly unsupported by reason.” *White*, 312 N.C. at 777, 324 S.E. 2d at 832.

Accordingly, we reject these contentions by defendant.

D. Rebuttal of presumption of in-kind distribution

Defendant's next argument is that the trial court abused its discretion by making a distributive award without making the findings required to rebut the statutory presumption of an in-kind distribution. We disagree.

"[I]n an equitable distribution proceeding, the trial court 'shall determine what is the marital property and divisible property and shall provide for an equitable distribution of the marital property and divisible property between the parties[.]' " *Wirth v. Wirth*, 193 N.C. App. 657, 661, 668 S.E.2d 603, 607 (2008) (quoting N.C. Gen. Stat. § 50-20(a)). In achieving this end, the General Assembly has provided guidance, including, *inter alia*, in

N.C. Gen. Stat. § 50-20(e) [which] creates a presumption that an in-kind distribution of marital or divisible property is equitable, but permits a distributive award to facilitate, effectuate, or supplement the distribution. In order to rebut the presumption of an in-kind distribution, *the equitable distribution judgment must contain a finding, supported by evidence in the record, that an equitable distribution would be impractical*. A trial court's failure to comply with the provisions of the equitable distribution statute constitutes an abuse of discretion.

Id. at 669, 668 S.E.2d at 611 (citations, quotation marks, and brackets omitted) (emphasis added). In determining whether a trial court has made the required finding of fact, we are mindful that a "trial court need not use 'magic words' in its findings of fact or conclusions of law, if the evidence and findings overall make the trial court's basis for its order clear." *In re B.C.T.*, 265 N.C. App. 176, 188, 828 S.E.2d 50, 58

(2019). *See also Carpenter v. Carpenter*, 245 N.C. App. 1, 14, 781 S.E.2d 828, 838–39 (2016). Further, because defendant has not challenged any of the trial court’s findings of fact, they are binding on appeal, *Juhnn v. Juhnn*, 242 N.C. App. 58, 63, 775 S.E.2d 310, 313 (2015), and thus our task is only to determine whether the findings of fact constitute a determination that an in-kind distribution would be impractical.

Here, the trial court’s order contains the following relevant findings of fact:

43. In determining an equitable distribution of the parties’ marital estate, the [c]ourt has considered all factors listed in N.C.G.S. 50-20. . . . The [c]ourt makes the following specific findings as to these factors:

. . . .

(f). . . . [T]hese businesses are being distributed to [defendant], and [defendant] has exercised control over these businesses since separation. While the [c]ourt is not finding that this factor justifies an unequal distribution in either party’s favor, the [c]ourt does find this factor persuasive to rebut the presumption that an in-kind distribution of marital or divisible property is equitable.

(g). . . . [T]hese businesses are being distributed to [defendant], and [defendant] has exercised control over these businesses since separation. While the [c]ourt is not finding that this factor justifies an unequal distribution in either party’s favor, the [c]ourt does find this factor persuasive to rebut the presumption that an in-kind distribution of marital or divisible property is equitable.

. . . .

(i). . . . The bulk of the parties' marital estate are [sic] the former marital residence where the minor child currently lives with [defendant], the businesses which [defendant] uses to support the minor child and the business real estate which the businesses use to operate. The [c]ourt has considered the nature of these assets and their use to support the minor child. While the [c]ourt is not finding that this factor justifies an unequal distribution in either party's favor, the [c]ourt does find this factor persuasive to rebut the presumption that an in-kind distribution of marital or divisible property is equitable.

(j). . . . [After discussing the valuation of the business, t]hese businesses are being distributed to [defendant], and [defendant] has exercised control over these businesses since separation. While the [c]ourt is not finding that this factor justifies an unequal distribution in either party's favor, the [c]ourt does find this factor persuasive to rebut the presumption that an in-kind distribution of marital or divisible property is equitable.

. . . .

(l). . . . [T]hese businesses are being distributed to [defendant], and [defendant] has exercised control over these businesses since separation. [Defendant] has received the benefit of owning and operating these businesses since separation. While the [c]ourt is not finding that this factor justifies an unequal distribution in either party's favor, the [c]ourt does find this factor persuasive to rebut the presumption that an in-kind distribution of marital or divisible property is equitable.

44. The presumption that an in-kind distribution of marital or divisible property is equitable has been rebutted by the greater weight of evidence. The [c]ourt finds that a distributive award is appropriate in order to achieve equity between the parties.

45. Because the largest assets in the marital estate are the former marital residence where the minor child lives with [defendant], the businesses which [defendant] uses to support the minor child and the business real estate which the businesses use to operate, the [c]ourt finds that it is appropriate to distribute these items to [defendant] and to order that [defendant] pay a distributive award to [plaintiff]. There are not sufficient other assets in the marital estate for an in-kind distribution.

These findings, specifically that the primary marital assets here were the former marital home—where defendant resided with the minor child—and the businesses—which enabled defendant to support the child and which were being used and controlled by defendant from the time of separation—are sufficient to demonstrate that the trial court found it impractical to effectuate an in-kind distribution in this case and instead elected to distribute those assets to defendant and order a distributive award to plaintiff. This argument is overruled.

E. Sale of the former marital residence

Defendant next argues that the trial court erred in ordering him to sell the former marital residence. We discern no abuse of discretion in the trial court's action, given that defendant, after initially expressing his wish to maintain the home as a

residence for the minor child, later agreed that the sale of the home was desirable.³

In an equitable distribution proceeding, the trial court may order the sale of marital assets as part of an equitable distribution. *See Wall v. Wall*, 140 N.C. App. 303, 307, 536 S.E.2d 647, 650 (2000). In the instant case, the trial court specifically noted during the hearing on plaintiff's motion to reconsider "that [defendant initially] wanted to maintain the marital home because the children lived there. And clearly, *that position has changed.*" (Emphasis added.) Defendant did not suggest the trial court misunderstood his position at that time. In light of defendant's shifted desire that the residence be sold to accommodate the minor child's understandable desire for stability during his senior year of high school, and as discussed above, the reality that any increased value in the residence would have benefitted defendant, we see no abuse of discretion by the trial court on this point.

F. Date-of-separation values for business entities

Defendant next contends that the trial court erred in its determination of the date-of-separation values of Mulch Life Inc., and Charlotte Playsets, Inc. A close reading of defendant's argument reveals that he largely recounts the evidence offered by his expert witnesses and those of plaintiff, suggesting that his expert witnesses

³ We note that this is only one of the several issues on appeal wherein defendant has either wholesale changed his position from that which he took at trial or presented an argument of error by the trial court where the court appears to have given defendant exactly that for which he asked at trial. Such arguments appear to be disingenuous at the least. Given the patent legal insufficiency of these contentions, we elect to address and overrule them on their lack of merit, but we do caution other potential appellants from following defendant's poorly chosen path.

were more credible, and their opinions should have been given more weight. This is an area into which this Court may not wade, as we do not re-weigh the evidence presented at trial. *Comstock v. Comstock*, 240 N.C. App. 304, 313, 771 S.E.2d 602, 607 (2015). “The credibility of the evidence in an equitable distribution trial is for the trial court[, which may] . . . believe all that a witness testified to, or [may] believe nothing that a witness testified to, or [may] believe part of the testimony and [may] disbelieve part of it.” *Grasty v. Grasty*, 125 N.C. App. 736, 739, 482 S.E.2d 752, 754 (citations and internal quotation marks omitted), *disc. review denied*, 346 N.C. 278, 487 S.E.2d 545 (1997). Here the trial court noted that it found only plaintiff’s expert credible regarding the valuation of the businesses in question, and that expert included a calculation of “goodwill” in his valuation of the businesses. This argument is without merit.

G. Valuing, classifying, and distributing of certain property

Defendant also assigns error to the trial court for failing to determine the current date-of-trial value of certain divisible property—specifically, Mulch Life and Charlotte Playsets—as zero dollars before distributing that property. Defendant contends that he “took the position of the businesses having zero value as of the date of trial by and through his expert.” At trial, however, defendant’s expert only attempted to value Mulch Life and Charlotte Playsets as of the date of separation, not as of the date of trial, and in any event, the trial court found the testimony of defendant’s expert to be not credible and not “accurate, reasonable, reliable or

persuasive,” and thus held that it “did not appropriately, reasonably or adequately calculate the value” of the businesses. As noted above, the trial court was entitled to reject the evidence of defendant’s expert on this basis. *See Grasty*, 125 N.C. App. at 739, 482 S.E.2d at 754. Moreover, while “the trial court has an obligation to make specific findings regarding the value of any property classified as marital, including any business owned by one of the parties to a marriage[; t]his obligation . . . exists only when there is *credible* evidence supporting the value of the asset. *Id.* at 738–39, 482 S.E.2d at 754 (citations and internal quotation marks omitted) (emphasis added). In light of these controlling authorities, we see no abuse of discretion by the trial court on this point.

H. Attorney fees

In his final argument, defendant contends that “the trial court abused its discretion in awarding attorney’s fees to [plaintiff] in the amount of \$9,076.38 for her custody claims and \$3,750.00 for her civil contempt claims, and then offsetting these attorney’s fees against \$12,816.03 of past-due child support owed from [plaintiff] to [defendant].” We disagree.

On 2 February 2021, the trial court entered a consent order regarding contempt hearing decreeing that “[defendant] shall reimburse [plaintiff] for the attorney’s fees she has incurred in connection with her Contempt Motions through February 2, 2021 in the amount of \$3,750. The specific payment terms for this \$3,750 are reserved and shall be determined at the same time that equitable distribution is

resolved or at such other time as the Court deems appropriate.” Defendant did not appeal from the 2 February 2021 order, and we do not consider any alleged error in relation to that order.

As to attorney fees connected to the child custody claim, defendant represents that plaintiff never submitted any attorney fee affidavit below, but this allegation appears to be factually inaccurate. Defendant has not, however, challenged the trial court’s Findings of Fact 55 through 68, which concern the attorney fees awarded to plaintiff, and therefore, these factual findings are binding on this Court. *Juhnn*, 242 N.C. App. at 63, 775 S.E.2d at 313. The trial court specifically noted, in Finding of Fact 59, that it had “reviewed the Affidavit for Attorney’s Fees submitted by [plaintiff’s] attorney in this matter.” We see no error, much less an abuse of discretion, here.

III. Conclusion

Defendant has failed to establish any abuse of discretion or error by the trial court in this matter. Accordingly, we affirm the trial court.

AFFIRMED.

Judges ARROWOOD and WOOD concur.

Report per Rule 30(e).