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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1199

Filed 21 October 2026

Mecklenburg County, No. 22CVD011487-590

LESLIE M. RUNDLETT

v.

RAYMOND C. RUNDLETT, II

Appeal by defendant from order entered 20 March 2025 by Judge J. Rex Marvel in Mecklenburg County District Court. Heard in the Court of Appeals 30 September 2026.

Godley, Glazer & Funk, PLLC, by Seth A. Glazer, for the plaintiff-appellee.

Plumides, Romano & Johnson, P.C., by Richard B. Johnson, for the defendant-appellant.

TYSON, Judge.

Raymond C. Rundlett, III (“Husband”) appeals from the trial court’s alimony and equitable distribution and award of attorney’s fees to his spouse, Leslie M. Rundlett (“Wife”). We affirm in part; vacate in part; and remand for further findings and recalculation of the equitable distribution award.

I. Background

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Husband and Wife married on 12 November 1988 and separated on 9 September 2021. All three children born of the marriage have reached the age of majority. Wife filed a complaint for post-separation support, alimony, equitable distribution and attorney's fees. Those claims were heard before the trial court on 19 September, 3 October, and 11 October 2024. On 20 March 2025, the court entered an order for equitable distribution and alimony and a separate order awarding Wife attorney's fees. Husband timely appealed

II. Issues

Husband argues the trial court erred by: (1) ordering him to pay alimony in the amount of \$5,500 per month to Wife indefinitely; (2) failing to properly classify, value, and distribute the marital and divisible property; (3) entering the equitable distribution order without sufficient findings of fact; (4) awarding Wife more than fifty percent of the marital estate; and (5) ordering Husband to pay \$18,000 for Wife's attorney's fees.

III. Jurisdiction

This Court has jurisdiction over this appeal pursuant to N.C. Gen. Stat. §§ 7A-27(b)(2) and 50-19.1 (2025).

IV. Alimony

Under N.C. Gen. Stat. § 50-16.39(a), a spouse is entitled to alimony "if three requirements are satisfied: (1) that party is a dependent spouse; (2) the other party is a supporting spouse; and (3) an award of alimony would be equitable under all the

relevant factors.” *Barrett v. Barrett*, 140 N.C. App. 369, 371, 536 S.E.2d 642, 644 (2000).

Husband argues the trial court erred by ordering him to pay \$5,500 in monthly alimony payments to wife for an indefinite period of time. We disagree.

A. Standard of Review

An award of alimony involves two separate inquiries: (1) whether a spouse is entitled to alimony, which requires one spouse to be a dependent spouse and the other spouse to be a supporting spouse under N.C. Gen. Stat. § 50-16.3A (2025); and (2) the appropriate amount of alimony to be awarded. *Barrett*, 140 N.C. App. at 371, 536 S.E.2d at 644. This Court reviews the trial court’s first inquiry *de novo*, and the second under an abuse of discretion standard. *Id.* An abuse of discretion has occurred if the decision is manifestly unsupported by reason or one so arbitrary that it could not have been the result of a reasoned decision. *Kelly v. Kelly*, 228 N.C. App. 600, 601, 747 S.E.2d 268, 272-73 (2013) (citations and quotation marks omitted).

B. Findings of Fact

The trial court found:

7. During the parties’ marriage, Wife was the dependent spouse.
8. During the parties’ marriage, Husband was the supporting spouse.
9. During the parties’ marriage, Wife sacrificed her professional career, moving with Husband multiple times to support his career, and supporting him to get his MBA.

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10. Wife has not maintained full-time employment since approximately 1994, as Wife was primarily responsible for maintaining the marital residence and serving as the primary caretaker for the parties three (3) children and her mother-in-law.

11. During the course of the parties' marriage, Husband was the sole source of income and provider for the family.

12. Husband was the primary controller of finances during the course of the parties marriage, as well as after separation.

13. Wife does not presently have the ability to earn an income to support herself and maintain the standard of living she enjoyed during the marriage.

14. Husband, who is not yet retirement age, elected an "early retirement" and communicated that to his employer in February 2023.

15. Husband does presently have the ability to work, as well as the ability to earn a significant income of at least \$300,000 annually.

16. Husband has a monthly surplus sufficient to pay postseparation support, as provided herein.

17. Wife is the dependent spouse of the parties' marriage, as that term is defined by N.C.G.S. 50-16(A)(2).

18. Husband is the supporting spouse of the parties' marriage, as that term is defined by N.C.G.S. 50-16(A)(5).

19. Wife is dependent upon Husband for her maintenance and support, and Wife is substantially in need of financial contribution from Husband to maintain her accustomed standard of living.

Husband asserts Numbers 7, 8, 16, 17, and 18 are not proper findings of fact, but rather are conclusions of law. “As a general rule, the labels ‘findings of fact’ and ‘conclusions of law’ employed by the lower tribunal in a written order do not determine the nature of our standard of review” because “if the lower tribunal labels as a finding of fact what is in substance a conclusion of law, we review that ‘finding’ as a conclusion *de novo*.” *In re V.M.*, 273 N.C. App. 294, 298, 848 S.E.2d 530, 534 (2020) (citation omitted). We agree that these “findings” 7, 8, 16, 17, and 18 are more appropriately conclusions of law, and we will review them *de novo* accordingly. *Id.*

C. Imputed Income

Husband argues the trial court abused its discretion by imputing income to him without making the necessary findings of fact. Husband also argues the trial court’s finding of the amount of imputed income, \$300,000 per year, is not supported by the evidence and the order contains no findings of how the court arrived at that number.

“Alimony is ordinarily determined by a party’s actual income, from all sources, at the time of the order. To base an alimony obligation on earning capacity rather than actual income, the trial court must first find that the party has depressed [his] income in bad faith.” *Kowalick v. Kowalick*, 129 N.C. App. 781, 787, 501 S.E.2d 671, 675 (1998) (citation and emphasis omitted). Bad faith may be established by evidence which shows a spouse is not meeting their income potential to avoid or frustrate support payments, has deliberately remained unemployed, has not sought

employment, has refused to accept employment, or has intentionally depressed income to an artificial low. *Works v. Works*, 217 N.C. App. 345, 347, 719 S.E.2d 218, 219 (2011). The trial court may consider earning capacity of a spouse if they have depressed their income in bad faith. *Kowalick*, 129 N.C. App at 787, 501 S.E.2d at 675.

Husband specifically argues Findings of Fact 14, 15, and 16 are the only findings of fact related to imputing income to Husband and the trial court made no findings he had acted in bad faith or neglected his familial obligation. *See id.*

Husband's medical condition was addressed extensively at the hearing. He testified at length regarding his heart condition and many pages of his medical records were entered into evidence. Husband underwent open heart surgery in September 2021 and returned to work in December 2021. The parties separated on 9 September 2021. Husband elected early retirement from Wells Fargo, at age sixty, in April 2023 because his heart condition seemed to be worsening.

"The dispositive issue is whether a party is motivated by a desire to avoid his reasonable support obligations. To apply the earnings capacity rule, the trial court must have sufficient evidence of the proscribed intent." *Wolf v. Wolf*, 151 N.C. App. 523, 527, 566 S.E.2d 516, 519 (2002). The trial court found Husband has the ability to work and earn \$300,000 annually.

The record contains evidence tending to show Husband was earning a substantial income when he voluntarily elected to retire. Evidence was presented

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tending to show Husband's gross annual income in 2021 from the employer he voluntarily left was \$543,948. His gross annual income in 2022 was at least \$751,997 and was at least \$536,826 in 2023. The record also shows Husband engaged in an illicit sexual affair for two years prior to the parties' separation; he was not required by his employer to retire; he regularly played golf and exercised throughout the year; his treating physician did not advise, recommend, order, or tell Husband he should quit working; as of March 2024, his aortic valve stenosis "remained mild" and he told his physician he "feels good;" he worked in 2022 and into 2023 and announced his voluntary retirement in March of 2024. After the parties' separation, he continued golfing and maintained a country club membership. He also made several substantial purchases, including a cash purchase of a \$129,000 Porsche, a \$6,000 dog, and a separate vehicle to transport the dog.

While the trial court's order does not specifically state Husband acted in "bad faith," the record shows Husband voluntarily left high-earning employment, claimed an inability to support Wife, retained access to significant assets, and made discretionary luxury purchases after the parties separated. See *Works*, 217 N.C. App. at 347, 719 S.E.2d at 219. Husband has not shown the trial court's imputation of income, or the amount, was in error.

The remaining and unchallenged findings of fact are sufficient to support the award of alimony to Wife in the amount of \$5,500 per month. Presuming a tax deduction rate of 40%, Husband would have a net income available to him of \$180,000

per year, or \$15,000 per month. His 10 September 2024 financial affidavit alleged Husband had \$10,820.19 of average monthly expenses, which included \$2,400 per month in legal expenses. Husband has failed to show the trial court's award of alimony was so arbitrary or unreasonable to arise to an abuse of discretion. *Kelly*, 228 N.C. App. at 601, 747 S.E.2d at 272-73.

V. Equitable Distribution

A. Standard of Review

This Court upholds the trial court's findings of fact in an equitable distribution order "as long as they are supported by competent evidence." *Mugno v. Mugno*, 205 N.C. App. 273, 276, 695 S.E.2d 495, 498 (2010) (citation and quotation marks omitted). "[T]he trial court's conclusions of law are reviewed *de novo*." *Id.* (citation omitted). The trial court's decision regarding the distribution of the marital estate is reviewed for an abuse of discretion. *Id.* (citation omitted).

B. Compliance with N.C. Gen. Stat. § 50-20(a)

"Upon application of a party, the 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 in accordance with this section." N.C. Gen. Stat. § 50-20(a) (2025). "[T]he court must be specific and detailed enough to enable a reviewing court to determine what was done and its correctness." *Carr v. Carr*, 92 N.C. App. 378, 379, 374 S.E.2d 426, 427 (1988) (citation omitted).

Husband argues the trial court made no findings of how it had classified,

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valued, and distributed the marital and divisible property of the parties. The court simply included two charts in the decretal portion of the order, one for Husband and one for Wife, which listed the assets and debts of the parties and their values. Husband asserts the trial court failed to make any findings to show how it classified these items or whether the listed values were the values on the date of separation. *See Dalgewicz v. Dalgewicz*, 167 N.C. App. 412, 423, 606 S.E.2d 164, 171 (2004) (“[T]o enter a proper equitable distribution judgment, the trial court must specifically and particularly classify and value all assets and debts maintained by the parties at the date of separation.”).

A Final Equitable Distribution Pretrial Order (“FTPO”) was signed by the trial judge and filed on 20 September 2024. It states: “The attached Final Pretrial Order Schedule is attached hereto and incorporated herein by reference and sets forth the items the parties contend are to be part of the Equitable Distribution, and the parties contentions and/or stipulations for each item.” The assets and debts are identified on the spreadsheet by name and account number where appropriate, and each item includes a stated value.

We reject Husband’s assertion the FTPO was improperly considered by the trial court because it was not signed by the parties and only by the trial judge. Husband’s own attorney brought the FTPO to the court’s attention at trial and provided a copy to the court. Both parties used the FTPO throughout the trial for discussion of the equitable distribution issues.

The trial court held a multi-day trial during which it considered the FTPO, admitted documentary exhibits, heard testimony about disputed assets and values, and then distributed the property as shown on the tables in the order. Husband cannot both treat the FTPO as the operative framework at trial and then, after an unfavorable ruling, argue it was improper. *See Boykin v. Wilson Med. Ctr.*, 201 N.C. App. 559, 563, 686 S.E.2d 913, 916 (2009) (“A party may not complain of action which he induced.”). Husband has failed to show he is now entitled to a wholesale reversal of the equitable distribution order.

C. Specific Assets and Debts

Husband also challenges the trial court’s valuation and distribution of certain marital assets and debts.

1. The Marital Home

The trial court valued the marital home at \$1,450,000 and distributed it to Wife. Husband argues the “best evidence” of the current value of the property was by a Realtor®, who valued it at \$1,750,000. The trial court also considered a date of separation appraisal submitted by Wife, which showed a fair market value for the home of \$1,125,000. The trial court weighed the evidence and explained why it rejected both extremes, which is precisely the type of decision committed to the trial court’s discretion. It is the trial court’s role as fact-finder to weigh the evidence, assess the credibility of witnesses, and resolve any conflicts or discrepancies in the testimony. *In re Gleisner*, 141 N.C. App. 475, 480, 539 S.E.2d 362, 365 (2000). Where

competing inferences may reasonably be drawn from the evidence, it is the exclusive province of the trial court to “determine which inferences shall be drawn and which shall be rejected.” *Id.* at 480, 539 S.E.2d at 366. Husband’s argument is overruled.

2. Charles Schwab Rollover IRA #8556

The trial court also considered a Charles Schwab Rollover IRA held in Husband’s name and listed the value as \$1,358,834. The court distributed the account to Wife. Husband testified the date of separation value of the account was \$1,277,981 and the date of trial value was \$1,358,834. He argues the trial court made no findings to explain why it had used the date of trial value, rather than the date of separation value, and whether the increase in value was divisible property. In the FTPO, both parties contended the IRA was marital property and agreed on the value of \$1,358,834.

Husband did not introduce any evidence to show the increase in value of the IRA was not passive. *See Johnson v. Johnson*, 230 N.C. App. 280, 291, 750 S.E.2d 25, 33 (2013) (Passive increases in value of marital property are divisible property subject to equitable distribution until the marital property is distributed, after which point any passive increases in the value of the property occur outside of the marital estate and are not subject to distribution.). Husband’s argument is without merit.

3. Country Club Membership

The trial court listed the value of the parties’ membership in Providence Country Club as \$0. Husband testified “he believed” it was worth \$60,000. No

evidence was presented tending to show the membership could be sold or transferred to a third party on what basis and for what value received. Upon remand, the trial court can receive and consider evidence of value, if any, of the membership.

4. Home Repair Expenses

The order also lists numerous home repair expenses incurred from a lightning strike after the date of separation, while Wife was living in the marital residence. Wife testified regarding the damage and expenses and presented the repair invoices. Husband argues these expenses were properly related to Wife's claims for postseparation support and alimony and should not be considered marital or divisible debts. The trial court allocated those home repair expenses to Wife within its discretion, along with the marital residence.

5. American Express Credit Card Debt

The court also allocated debt in the amount of \$16,808 from an American Express credit card to Wife. Husband argues no evidence was presented at trial regarding this debt, including the date of separation balance or evidence to show the debt was marital. Again, in the FTPO, both parties acknowledged the credit card debt was marital. Husband contended the date of separation balance on the card was \$16,404, a difference of \$404. Husband has not shown the trial court abused its discretion in distributing the marital credit card debt to wife. On remand, the trial court may consider the \$404 discrepancy.

6. 2012 Porsche

A 2012 Porsche automobile was distributed to Husband at a value of \$99,200. Husband argues the only evidence presented regarding the value of the vehicle was through Husband's testimony asserting the tax value was \$88,680. He argues nothing in the record shows the value of the vehicle as \$99,200. However, in the FTPO, Husband lists the date of separation value of the Porsche vehicle as \$99,200. He has failed to show the trial court abused its discretion in valuing the automobile as stated in the FTPO. Husband's argument is overruled.

7. Wells Fargo Accounts

The trial court's order also lists Wells Fargo stock with a value of \$54,193.33 and a Wells Fargo Long Term Equity Awards Plan with a value of \$358,616. Both Wells Fargo accounts were distributed and credited to Husband. Husband did not propose a value of these accounts, either in the FTPO or at trial.

Husband argues insufficient evidence was presented to show the value of these accounts where the documents presented by Wife were dated six months prior to the parties' date of separation. Husband testified he liquidated the Wells Fargo account, which held the stock in March of 2021, prior to the parties' separation. Wife's attorney questioned Husband at trial about where he placed those funds. Husband stated he did not remember. Husband has failed to show the value the trial court assigned to these accounts amounted to an abuse of discretion.

8. Charles Schwab Brokerage Account #3353

Husband next contends the trial court erred by valuing the Charles Schwab

Brokerage Account as \$130,391, where the evidence tended to show this account had a value of \$0 on the date of separation. The court also admitted Exhibit #79 into evidence, which showed a zero balance for this account on the date of separation. Wife agrees the trial court should have distributed this Charles Schwab Brokerage Account #3353 to Husband with a value of \$0. We vacate and remand this issue to the trial court to properly classify, value, and distribute this asset.

9. Wells Fargo 401K Account #4976

The trial court's order also values Husband's Wells Fargo 401K Account # 4976 as \$198,967 and distributes it to Husband. Evidence was presented at trial to show he rolled the entirety of this account into a Charles Schwab IRA account ending in #9267. The IRA account had a value of \$241,037 on the date of trial. The court also valued and distributed the IRA account and therefore counted the same funds twice. Wife agrees this was error. Wife also agrees the funds which were initially held in the 401K experienced passive growth of \$42,070, which should also be distributed to Husband as divisible property, for a total combined value of \$241,037. We vacate and remand to the trial court to properly value, classify, and distribute this asset.

10. Wells Fargo Bonus

Husband argues no evidence was presented to support the trial court's distribution of a \$145,080 Wells Fargo bonus to him. However, the FTPO identifies the bonus, classifies it as marital property, and distributes it to Husband. Husband has not shown an abuse of discretion.

11. Various Household Items

The trial court's order lists various purchases of household items made by Husband and classifies them as marital property. Husband testified he purchased these items after he moved out of the marital home. He argues insufficient evidence shows when he purchased the items or their values. However, Husband also testified he purchased household items for his new residence prior to the date of separation, including spending \$7,893 at a Restoration Hardware store and almost \$2,500 at a Crate & Barrel store. He further testified to making purchases at several other stores when he was moving out. These items are listed on the FTPO schedule and Husband did not argue against the values Wife assigned to them or presented alternative values. Husband has not shown any abuse of discretion and his argument is overruled.

12. Income and Property Tax

Husband argues he paid \$10,720 for the 2021 income tax debt, yet the trial court valued it as \$0. Wife agrees Husband made a payment to the IRS for the parties' 2021 joint income tax liability in the amount of \$10,632 and \$48 to the North Carolina Department of Revenue, but asserts the parties were married and not separated for 69% of 2021, and Husband should have been distributed a value consistent therewith. We vacate and remand to the trial court to properly value, classify, and distribute this asset.

Husband also argues he presented evidence tending to show he had paid

\$8,554 in property taxes after the date of separation and the trial court also valued this as \$0. Wife claims documentary evidence was presented to show Defendant wrote a check for the property taxes in August 2021, which was cashed prior to the parties' separation. The date the taxes were due and paid, relative to date of separation, can be reviewed and allocated upon remand.

13. Wife's Charles Schwab IRA Account

At trial, Husband testified Wife held an IRA Account #4170 with a date of separation balance of \$243,674.28. Wife agrees the trial court failed to account for this IRA in its order. In the FTPO, both parties contend this IRA is marital and had a date of separation value of \$243,674. Evidence was presented to show it held a current value of \$218,089.41. We also remand this issue to the trial court for proper classification, valuation, and distribution Wife's IRA.

D. Unequal Distribution of the Marital Estate

Our equitable distribution statute provides:

(c) There shall be an equal division by using net value of marital property and net value of divisible property unless the court determines that an equal division is not equitable. If the court determines that an equal division is not equitable, the court shall divide the marital property and divisible property equitably. The court shall consider all of the following factors under this subsection . . .

N.C. Gen. Stat. § 50-20(c) (2025).

The statute then enumerates factors for the court's consideration. *Id.* Those factors relevant to this case include: "[t]he income, property, and liabilities of each

party at the time the division of property is to become effective;” the duration of the marriage, age, and health of the parties; the expectation of retirement, pension or other deferred compensation of either party; “[a]ny direct or indirect contribution made by one spouse to help educate or develop the career potential of the other spouse;” the liquid or nonliquid character of the marital and divisible property; acts of either party to convert the marital property or divisible property, or both, during the period after separation of the parties and before the time of distribution; and “[a]ny other factor that the court finds just and proper.” N.C. Gen. Stat. §§ 50-20(c)(1), (3), (5), (7), (9), (11a), (12) (2025).

Husband argues the trial court violated the presumption of equal distribution in the statute and abused its discretion by awarding Wife more than fifty percent of the marital estate. We disagree. The findings of fact and record evidence shows Wife sacrificed her career to support husband’s education and career, has not been employed since 1994, was a homemaker and caretaker for the parties’ children and her mother-in-law. Husband was also the sole provider and financial controller.

Wife used inheritance money to pay marital debt and Husband’s student loans, and Husband made excessive purchases after separation. Wife asserts the trial court awarded her a little over sixty percent of the marital estate, while Husband asserts it was sixty-five percent. In either event, Husband has not shown the trial court abused its discretion in the weighing and application of the statutory factors to award an unequal share of the marital estate, with Wife receiving more than fifty percent.

Id.

VI. Attorney's Fees

Husband argues the trial court erred by ordering him to pay Wife's attorney's fees in the amount of \$18,000. We disagree.

A spouse is entitled to an award of attorney's fees if that spouse is: (1) the dependent spouse; (2) entitled to the underlying relief demanded; and, (3) without sufficient means to defray the costs of litigation. *Barrett v. Barrett*, 140 N.C. App. 369, 374, 536 S.E.2d 642, 646 (2000). Whether these three requirements are met is a question of law reviewed *de novo* on appeal. *Id.* If attorney's fees are properly awarded, the amount of the award rests within the sound discretion of the trial court and is reviewed for an abuse of discretion. *Clark v. Clark*, 301 N.C. 123, 136, 271 S.E.2d 58, 67-68 (1980).

Wife's attorney presented a fee affidavit to Husband's attorney at the end of trial and referenced it during closing argument. The fee affidavit was not entered into evidence. Husband's attorney argued to the trial court Wife's attorney failed to file the fee affidavit when the action was called for trial pursuant to the Local Rules of Mecklenburg County and the court should deny a fee award. He also argued the fee affidavit presented to the trial court improperly contained significant time and fees allotted to Wife's claim for equitable distribution. *See Eason v. Taylor*, 245 N.C. App. 16, 23, 784 S.E.2d 200, 205 (2016) ("As a general rule, attorney fees are not recoverable in an equitable distribution claim."). Wife's attorney explained her office

had attempted to upload the fee affidavit into the online portal, and her office billing software created some confusion about what services the fees related to. Wife's attorney agreed fees should not be awarded for services performed on the equitable distribution claim.

The trial court agreed Wife's attorney would not be entitled to an award of fees for services performed on the equitable distribution claim and found the fees submitted were "reasonable, based off his billable rate, the complexity of the case and his hours, for the purpose of alimony and post-separation support." The court also noted that Husband had stopped paying Wife her post-separation support. The trial court found Wife had incurred attorney's fees in the amount of \$18,000 and ordered Husband to pay that amount to Wife's attorney's law firm within six months.

The findings of fact tend to show the trial court properly considered and ruled upon the three factors set forth in *Barrett* to determine Wife was entitled to an award of attorney's fees from Husband. *Barrett*, 140 N.C. App. at 374, 536 S.E.2d at 646. Contrary to Husband's assertion, the fact Wife was awarded assets through equitable distribution does not automatically establish she had sufficient means to defray litigation-related expenses, particularly when the principal assets distributed to Wife were non-liquid assets. Husband has also failed to show the amount of the award was arbitrary or unreasonable. *Clark*, 301 N.C. at 136, 271 S.E.2d at 67-68.

VII. Conclusion

The trial court heard extensive evidence, determined credibility, considered

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Husband's medical evidence and Wife's dependency over a three-day period. Husband's appeal largely asks this appellate Court to reweigh the evidence and substitute our judgment for the trial court, which we decline to do.

We affirm the trial court's order awarding alimony to Wife. With regard to the equitable distribution order, we vacate and remand to the trial court for a property classification, valuation, and distribution of the Charles Schwab Brokerage Account #3353; the Wells Fargo 401K Account #4976; the 2021 income tax debt and property taxes paid; value, if any, of the country club membership; and the \$404 discrepancy shown on the FTPO of the American Express credit card balance. The trial court shall recalculate the portions of the order that are impacted. We affirm the trial court's order awarding attorney's fees to Wife. *It is so ordered.*

AFFIRMED IN PART, VACATED IN PART, AND REMANDED

Judges STADING and MURRY concur.

Report per Rule 30(e).