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Opinion Withdrawn and Superseded on Clarification by [Manolakos](#)
[v. Manolakos](#), Fla.App. 4 Dist., February 11, 2004

864 So.2d 1155
District Court of Appeal of Florida,
Fourth District.

Douglas B. MANOLAKOS, Appellant,
v.
Amy S. MANOLAKOS, Gold Coast
Chiropractic Center, P.A. and Orange
Blossom Chiropractic Center, P.A., Appellees.

No. 4D02-2071. | Dec. 31, 2003.

**Opinion was withdrawn from the Florida
Cases bound volume because a superseding
opinion was issued. See [2004 WL 384151](#).**

Attorneys and Law Firms

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Graham, P.A., Palm Beach Gardens, and [Stuart R. Manoff](#) of
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[GUNTHER, J.](#)

Doug Manolakos (“Former Husband”) timely appeals the
Final Judgment of Dissolution of Marriage and the trial
court’s Order Denying his Motion for Rehearing. Because
the judgment lacks the necessary findings, we reverse and
remand.

The Former Husband and Amy Manolakos (“Former Wife”),
who are both chiropractors, were married in 1991. A short
while later, the couple started Gold Coast Chiropractic
Center, in which they were equal partners. The couple also
took a fifty percent interest in Orange Blossom Chiropractic
Center.

In 2001, the Former Wife instituted a dissolution of marriage
action. The Former Wife sought permanent alimony, arguing
that during the marriage the parties agreed she should stay
at home with their two children. During the trial, the court

suggested that the Former Wife and the Former Husband
remain co-owners of the chiropractic businesses and work
together after three years. However, both the Former Wife and
the Former Husband rejected this suggestion.

The court orally announced its ruling and asked the parties to
agree on the form of the final judgment. However, the parties
could not agree. Thus, the Former Husband moved for entry
of a final judgment. After a hearing on this motion, the trial
court entered its Final Judgment of Dissolution of Marriage.
After the final judgment was issued, the Former Husband
filed a Motion for Rehearing which was denied. The Former
Husband now appeals.

Under [section 61.075\(1\), Florida Statutes \(2002\)](#), assets
should be distributed equally “unless there is a justification
for an unequal distribution of marital assets and liabilities
based on all relevant factors.” The statute then lists a number
of relevant factors. [§ 61.075\(1\)\(a\)-\(j\)](#). “[A]ny distribution
of marital assets or marital liabilities shall be supported by
factual findings in the judgment ... with reference to the
factors enumerated in subsection (1).” [§ 61.075\(3\)](#).

In the final judgment, although the trial court states that “[t]he
court makes ***1157** an equal distribution of marital assets
and liabilities, specifically finding that there is no reason for
an unequal distribution based upon the factors set forth in ...
[the statute],” upon an examination of the record, there was in
fact an unequal distribution of assets. The Former Wife could
elect not to pay the balancing payment and would then receive
\$29,307.25 more in assets than the Former Husband.

Furthermore, the trial court failed to make the appropriate
factual findings to justify an alimony award. [Section 61.08\(1\),
Florida Statutes \(2002\)](#), states that “[i]n all dissolution actions
the court shall include findings of fact relative to the factors
enumerated in subsection (2) supporting an award or denial
of alimony.” It is well established that a trial court errs when
it awards alimony without making findings of fact according
to these statutory factors. See [Ondrejack v. Ondrejack](#), 839
So.2d 867, 870 (Fla. 4th DCA 2003); [Allison v. Allison](#), 692
So.2d 1013, 1013 (Fla. 4th DCA 1997); [Vitalis v. Vitalis](#), 799
So.2d 1127, 1131 (Fla. 5th DCA 2001) (citations omitted).

In addition to ordering the Former Husband to pay alimony,
the trial court also ordered him to pay \$2,971 per month in
child support. The trial court’s child support award, like the
equitable distribution of the parties’ property and the alimony
award, lacked sufficient factual findings as required under

section 61.30, Florida Statutes (2002). While a child support determination is within the discretion of the trial court, section 61.30 “provides the statutory formula which *must* be used to determine each parent's actual dollar share.” *Ondrejck*, 839 So.2d at 871 (citing *Stanton v. Stanton*, 648 So.2d 1233, 1234 (Fla. 4th DCA 1995) (emphasis in original)). This court has previously stated that “in the absence of explicit factual findings concerning the actual incomes attributable to the Husband and the Wife, the amount and source of any imputed income, the probable and potential earnings level, and the adjustments to income, the trial court's final judgment was deficient.” *Segall v. Segall*, 708 So.2d 983, 988 (Fla. 4th DCA 1998) (citations omitted). Here, the final judgment lacked these findings, and thus, the final judgment is deficient.

In the final judgment, the trial court also ordered that the Former Husband and the Former Wife remain equal owners in the chiropractic businesses. According to the judgment, the Former Husband would manage and operate these businesses for three years. During this time, he would be entitled to all the profits from the businesses. After three years, the Former Wife was to return to working with the Former Husband and when she returned, she was to begin receiving fifty percent of the net revenues. Dissolution of marriage being what it is, it is clearly an abuse of discretion for the trial court to order two

parties who have stated they do not want to continue to work together after their divorce to do just that.

As the trial court abused its discretion in ordering the parties to continue to work together and in failing to make the required findings regarding the equitable distribution of the parties' property, the alimony award, and the child support award, this court cannot properly review this case. Accordingly, we reverse and remand for the trial court to reconsider this case in its entirety and make the appropriate findings. See *Carr v. Carr*, 569 So.2d 903, 904 (Fla. 4th DCA 1990) (when reversing and remanding the trial court's erroneous equitable distribution of the parties' property, the court stated that on remand the trial court could also reconsider *1158 the other issues in that case, such as alimony, as they were all interrelated).

REVERSED and REMANDED.

FARMER, C.J., and KRATHEN, DAVID H., Associate Judge, concur.

All Citations

864 So.2d 1155, 29 Fla. L. Weekly D118