IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEITH LANCE CARTER,[1]	§	
	§	
Respondent Below-	§	No. 393, 2012
Appellant,	§	
	§	Court Below—Family Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
CHERYL LESLIE HARMON,	§	File No. CN11-03903
	§	Petition No. 11-24428
Petitioner Below-	§	
Appellee.	§	

Submitted: December 3, 2012
Decided: January 2, 2013

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

O R D E R

This 2nd day of January 2013, upon consideration of the appellant's opening brief, the appellee's motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Keith Carter ("Husband"), filed this appeal from an order of the Family Court, dated June 19, 2012, which addressed issues of alimony and property division ancillary to the parties' divorce. We find it manifest on the face of Husband's opening brief that appeal has no merit. Accordingly, we affirm the Family Court's judgment.

[1] The Court previously assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

(2) The record reflects that the parties were married in 2007, separated in 2010, and divorced in 2011. This was Husband's fourth marriage and Wife's second marriage. The issues presented at the ancillary hearing were whether the parties' prenuptial agreement was valid and whether certain items of property, including two boats, were marital assets. Following a hearing, the Family Court held that the parties' prenuptial agreement was valid and that Wife, therefore, was not entitled to alimony. The Family Court also concluded that a large boat upon which the parties had lived was not a marital asset. The Family Court further found, however, that a smaller boat purchased by Husband for $35,000 in 2010, following the parties' separation but prior to their divorce, was a marital asset that was subject to a 50/50 division between the parties. It is from this latter finding that Husband now appeals.

(3) In his opening brief on appeal, Husband argues that the Family Court erred in finding that the boat was a marital asset. He contends that Wife's testimony was not true, that the boat belonged to his daughter, and that no marital funds were used to purchase the boat.

(4) The Family Court has broad discretion when dividing marital property pursuant to 13 Del. C. § 1513.[2] On appeal from a property division order, we review the facts and the law, as well as the inferences and deductions made by the

[2] *Linder v. Linder*, 496 A.2d 1028, 1030 (Del. 1985).

trial judge.[3] Conclusions of law are reviewed *de novo*. If the law was correctly applied, we review for an abuse of discretion. We will not disturb findings of fact unless they are clearly wrong and the doing of justice requires their overturn.[4] Similarly, questions of credibility will not be disturbed on appeal unless clearly erroneous.[5]

(5) In this case, the Family Court considered the testimony and evidence presented by both parties. The Family Court simply did not find Husband's testimony that he was merely an agent in purchasing the boat for his daughter to be credible. The Family Court was in the best position to assess the credibility of the witnesses.[6] We do not find the Family Court's ruling to be clearly erroneous. Having carefully considered the parties' respective positions and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Family Court's well-reasoned decision dated June 19, 2012.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

[3] *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).
[4] *Forester v. Forester*, 953 A.2d 175, 179 (Del. 2008).
[5] *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d at 1204.
[6] *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d at 1204.