

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

ANGELA SULLIVAN,
Appellant,

v.

RICHARD SULLIVAN,
Appellee.

No. 4D08-1087

[December 16, 2009]

FARMER, J.

In this dissolution of marriage action, where the marital assets exceed \$26 million, we affirm on all issues except as to the amount of an equalization payment prescribed in the final judgment.

While the action was pending, each party received advances against equitable distribution: he, \$1,705,504; she, \$1,603,610. The parties agree that there is an error in factoring the advances into the final distribution because the total marital assets were fully accounted for in the distribution — that she should not also have been given a credit for the difference in the amounts of the advances. They disagree as to the solution. He argues that the credit should simply be eliminated. She argues that the advances should be taken out of the calculation.

Because the advances were in all events part of the marital estate, the court correctly accounted for them in the equalization process. We agree with him that the credit of \$101,894 should be eliminated. On remand, the court shall reduce the equalization payment from \$1,450,006 to \$1,348,112.

In all other respects, the final judgment is affirmed.

WARNER and LEVINE, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm

Beach County; Charles E. Burton, Judge; L.T. Case No. 2005DR001368
SBFY.

Kristen A. Floyd and Joel M. Weissman of Joel M. Weissman, P.A.,
West Palm Beach, for appellant.

Ralph T. White of Schutz & White, L.L.P., West Palm Beach, for
appellee.

Not final until disposition of timely filed motion for rehearing.