

COURT OF APPEALS OF UTAH

Ball v. Ball

2025 UT App 200 · No. 20240286-CA · Decided December 26, 2025

SUMMARY

The Utah Court of Appeals held that the district court miscalculated the marital-property offset awarded to Natalie Ball for Timothy Ball’s dissipation of marital funds. The court concluded that Natalie should receive an offset sufficient to make her whole, ordinarily one-half of the dissipated funds, rather than the full amount, and remanded for correction of that award. The court affirmed the denial of Timothy’s request for attorney fees under Utah Rule of Civil Procedure 68.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Michele M. Christiansen Forster; Ryan M. Harris; Ryan D. Tenney
JURISDICTION	Utah Court of Appeals
DECIDED	December 26, 2025
DOCKET	20240286-CA
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Timothy Alexander Ball appealed the divorce decree's allocation of marital property and the district court's denial of his request for attorney fees under Utah Rule of Civil Procedure 68.
STANDARD OF REVIEW	A district court has considerable discretion in adjusting financial and property interests in a divorce, and its decision is reversed only for a misunderstanding or misapplication of law resulting in substantial and prejudicial error, clearly erroneous factual findings, or such serious inequity as to constitute a clear abuse of discretion. Attorney-fee decisions are reviewed for clear abuse of discretion, and underlying factual findings are reviewed for clear error.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Timothy Alexander Ball v. Natalie Ball

TOPICS

- dissolution of marriage
- equitable distribution
- attorney fees
- appellate procedure
- standard of review

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the district court improperly awarded Natalie an offset equal to the full amount of marital funds Timothy dissipated rather than an offset equal to one-half of those funds.
2. Whether the district court abused its discretion by denying Timothy attorney fees under Utah Rule of Civil Procedure 68 and the Utah divorce-fee statute.

HOLDINGS

1. When marital assets have been dissipated, the other spouse should ordinarily receive a credit for that spouse's share of the dissipated assets—generally one-half of the dissipated marital funds—not the entire amount. The district court exceeded its discretion by awarding Natalie the full \$54,003.42 because that award gave her more marital property than she would have received if the funds had remained available for equal division.
2. The district court did not abuse its discretion in denying Timothy attorney fees. Rule 68 permits recovery of taxable costs, but attorney fees in a divorce action require contractual or statutory authorization and must be evaluated based on the receiving spouse's financial need, the other spouse's ability to pay, and the reasonableness of the requested fees.

KEY QUOTATIONS

“And the amount of that credit (or offset) should ordinarily be half of the dissipated marital funds, not the entire amount.” (¶16)

“The awarding of an offset equal to the full amount of funds, on the other hand, left Natalie with a larger award of marital property than she would have received had the funds never been dissipated in the first place, and we see nothing in the court’s order indicating an intent to provide Natalie a windfall in this way.” (¶18)

“Attorney[] fees are not taxable as costs, but may be awarded against an opposing party only if there is contractual or statutory liability therefor.” (¶20)

FACTUAL BACKGROUND

Timothy and Natalie Ball were married in 1999 and separated in October 2020. During the marriage, Timothy spent \$54,003.42 in marital funds on online dating websites and concealed the spending from Natalie. In the divorce decree, the district court equally divided the marital-home equity but awarded Natalie a full-dollar offset for the dissipated funds; it also denied Timothy attorney fees after finding Natalie financially needy and unable to pay.

PROCEDURAL HISTORY

After a divorce trial, the Fourth District Court ordered the marital home sold, divided the equity equally, and awarded Natalie an offset of \$54,003.42 for marital funds Timothy had dissipated on dating websites. The

district court denied Timothy's Rule 59 motion seeking to reduce the offset to one-half of the dissipated funds and denied his request for attorney fees under Rule 68. The Utah Court of Appeals reversed and remanded the offset determination but affirmed the denial of attorney fees.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the award of the full \$54,003.42 offset for dissipated marital funds and remand for the district court to recalculate and adjust the award consistently with the opinion, ordinarily using an offset equal to one-half of the dissipated marital funds. The denial of Timothy's attorney-fee request is affirmed.

CASES CITED

- Gardner v. Gardner, 2019 UT 61, ¶ 18, 452 P.3d 1134
- Beverlin v. Beverlin, 2025 UT App 72, ¶ 26, 572 P.3d 428
- Goggin v. Goggin, 2013 UT 16, ¶¶46, 49, 299 P.3d 1079
- Mark v. Mark, 2009 UT App 374, ¶ 7, 223 P.3d 476
- Dahl v. Dahl, 2015 UT 79, ¶ 173, 459 P.3d 276
- Cox v. Cox, 877 P.2d 1262, 1270 (Utah Ct. App. 1994)
- Alpha Partners, Inc. v. Transamerica Inv. Mgmt., LLC, 2006 UT App 331, ¶ 41, 153 P.3d 714
- LeFevre v. Mackelprang, 2019 UT App 42, ¶ 39, 440 P.3d 874
- State v. Kitches, 2021 UT App 24, ¶ 28, 484 P.3d 415
- Busche v. Busche, 2012 UT App 16, ¶ 31, 272 P.3d 748