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APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-0025-16T1

JIHYE NAM,

Plaintiff-Appellant,

v.

SUNGTAE KIM,

Defendant-Respondent.

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Submitted March 15, 2018 – Decided April 4, 2018

Before Judges Haas and Rothstadt.

On appeal from Superior Court of New Jersey,  
Chancery Division, Family Part, Hudson County,  
Docket No. FM-09-1246-15.

Song Law Firm, LLC, attorneys for appellant  
(M. Ari Jacobson, on the briefs).

Einhorn, Harris, Ascher, Barbarito & Frost,  
PC, attorneys for respondent (Jhanice V.  
Domingo, of counsel and on the brief; Matheu  
D. Nunn, on the brief).

PER CURIAM

Plaintiff appeals from a July 27, 2016 Dual Final Judgment of Divorce, which the trial court entered after conducting a five-day bench trial. Plaintiff argues the court erred by concluding

that defendant's father gave the parties a loan that needed to be repaid before equitable distribution of their condominium could occur, and that plaintiff was not entitled to a share of the value of stock defendant's father put in defendant's name prior to the parties' marriage.

After reading the trial transcripts and reviewing the exhibits provided to us, we affirm substantially for the reasons stated by Judge Nesle A. Rodriguez in her comprehensive written opinion issued on July 27, 2016. We add the following comments.

On this appeal, our review of Judge Rodriguez's decision is extremely limited. Seidman v. Clifton Sav. Bank, S.L.A., 205 N.J. 150, 169 (2011). We will not disturb her factual findings so long as they are supported by sufficient credible evidence. Cesare v. Cesare, 154 N.J. 394, 412 (1998). We owe particular deference to the judge's evaluation of witness credibility, and to her expertise in addressing matrimonial issues. Id. at 412-13. With regard to the specific contentions raised by plaintiff in this matter, we apply an abuse of discretion standard when reviewing challenges to an equitable distribution award. Borodinsky v. Borodinsky, 162 N.J. Super. 437, 443-44 (App. Div. 1978).

In her thirty-three page written decision, Judge Rodriguez made extensive and detailed credibility findings that were central to her decision on the two equitable distribution issues that are

the subject of plaintiff's appeal. The judge first found that defendant's father gave the parties a \$670,000 loan, which they used to purchase a condominium. Defendant executed a promissory note memorializing the loan, the agreed upon rate of interest, and the repayment schedule. Despite this documentation, plaintiff claimed the loan was actually a gift and, therefore, did not need to be repaid by the parties.

Judge Rodriguez rejected plaintiff's contention, and found that defendant and his father's testimony concerning the loan was credible, while plaintiff's assertions were not. Accordingly, the judge ordered the parties to sell the condominium, repay defendant's father the money owed him under the promissory note, and then evenly divide any surplus funds between them. Applying our deferential standard of review, we discern no abuse of discretion in the judge's reasoned determination.


Turning to the second equitable distribution issue, defendant's father owned a company called Intermax, Inc. Prior to the parties' marriage, the father put 27% of his stock in this company in defendant's name for tax purposes and did not inform the parties of this transaction. Plaintiff argued that the stock should have been treated as marital property subject to equitable distribution, even though neither she nor defendant learned of this asset until after plaintiff filed her complaint for divorce.

Judge Rodriguez found that defendant and his father's testimony on this point was credible, and ruled the stock was a pre-marital asset that was not subject to equitable distribution.<sup>1</sup> Once again, we find no basis to interfere with the judge's decision.

In sum, plaintiff's claims are primarily based on her version of the facts, which the judge did not credit. Based on our review of the record, we conclude that Judge Rodriguez fully and fairly addressed the pertinent issues, and plaintiff's appellate arguments are without sufficient merit to warrant further discussion here. R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



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<sup>1</sup> On the other hand, the judge found that an additional 15% of Intermax stock that defendant's father put in defendant's name after the parties' marriage, was marital property subject to equitable distribution. The judge ordered the parties to retain an appraiser to determine the value of this stock and then split the value equally. Plaintiff does not challenge this ruling on appeal.