

COURT OF APPEALS OF VIRGINIA

Present: Judges Willis, Annunziata and Overton  
Argued at Alexandria, Virginia

GREG E. MOXNESS

v. Record No. 0449-95-4

MEMORANDUM OPINION\* BY  
JUDGE JERE M. H. WILLIS, JR.  
DECEMBER 29, 1995

ELAINE D. MOXNESS

FROM THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY  
William D. Hamblen, Judge

Alan K. Arden (Pfitzner, Morley & Stephens,  
on brief), for appellant.

Timothy T. Szabo (Szabo, Quinto, Zelnick &  
Erickson, P.C., on brief), for appellee.

Noting that based on the parties' actual incomes, the guidelines set forth in Code § 20-108.2 prescribed a presumptive support obligation for Ms. Moxness of \$422 per month, the trial court noted that there were factors in the case justifying a deviation from that presumptive amount. It noted that the evidence supported an imputation to Ms. Moxness of an income equal to the salary that she had most recently drawn prior to her early retirement from military service. It noted that her retirement and consequent ability to care for the children saved the parties the costs of providing day care for the children. The trial court ruled, ". . . these matters cancel themselves out, it's a wash. I've done it a couple of different ways. . . . [I]t yields four twenty-two in my view, four hundred and twenty-

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\*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

two dollars. . . . I think it's appropriate from the evidence in this case. Four twenty-two." The record supports this conclusion. The judgment of the trial court is affirmed.

Affirmed.