

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Annunziata and Frank

ALBERT JOHNSON

v. Record No. 0560-99-3

BRENDA JOHNSON

MEMORANDUM OPINION*

PER CURIAM

SEPTEMBER 21, 1999

FROM THE CIRCUIT COURT OF WISE COUNTY
Ford C. Quillen, Judge

(Karen T. Mullins, on brief), for appellant.

(Daniel R. Bieger; Copeland, Molinary &
Bieger, on brief), for appellee.

Albert Johnson (husband) appeals the final decree of divorce entered by the circuit court. The trial court awarded Brenda Johnson (wife) \$500 in monthly spousal support. Husband contends that the trial court erred in awarding \$500 in monthly spousal support because the evidence demonstrated that he lacked the ability to pay that amount of support and that wife did not need support. Wife filed a motion to dismiss husband's appeal, alleging that husband failed to preserve his objection for appeal. Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. See Rule 5A:27.

* Pursuant to Code § 17.1-413, recodifying Code § 17-116.010, this opinion is not designated for publication.

In an opinion letter dated November 30, 1998, the trial court indicated it would award wife \$600 in monthly spousal support. Husband moved for reconsideration during a hearing in chambers on February 5, 1999. No transcript of that hearing exists. Following the hearing, the trial court modified its proposed decision and entered a final decree awarding wife \$500 in monthly spousal support. Husband's counsel endorsed the final decree "Seen," without any recitation of exceptions or objections. Husband did not file any post-trial motion raising objections to the final decree.

We find that husband failed to preserve any issues for appeal. It is clear from the record that husband challenged the proposed award of \$600 in monthly spousal support. However, after his motion for reconsideration was granted and the spousal support award was reduced, husband took no steps to preserve any further objection. "[W]e have stated that a party's failure to object to a final order by merely endorsing it as 'Seen,' without more, is not sufficient to preserve that party's right to appeal."

Weidman v. Babcock, 241 Va. 40, 44, 400 S.E.2d 164, 167 (1991) (citing Langley v. Meredith, 237 Va. 55, 61-62, 376 S.E.2d 519, 522 (1989)). See also Lee v. Lee, 12 Va. App. 512, 516-17, 404 S.E.2d 736, 738-39 (1991) (en banc).

Accordingly, because husband failed to preserve any issue for appeal, the decision of the circuit court is summarily affirmed.

Affirmed.