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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

In re the Domestic Partnership of
ANN L. MILLER and DIANE BROCKMAN.

ANN L. MILLER,

Respondent,

v.

DIANE BROCKMAN,

Appellant.

C066417

(Super. Ct. No. 164890)

Diane Brockman appeals from a judgment of dissolution terminating the domestic partnership status of Brockman and Ann L. Miller, dividing community property, and ordering spousal support. On appeal, Brockman contends the trial court erred in failing to consider her Family Code section 2640 claims in dividing the parties' community property. We affirm.

DISCUSSION

Brockman has elected to proceed on a clerk's transcript. (Cal. Rules of Court, rule 8.121.) As a result, there is no reporter's transcript of the trial in this matter in the appellate record. Therefore, we treat it as an appeal on the judgment roll. (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082-1083 (*Allen*); *Krueger v. Bank of America* (1983) 145 Cal.App.3d 204, 207.)

The limited record we have establishes that Brockman and Miller were registered domestic partners whose partnership was dissolved on August 17, 2010. Prior to the judgment of dissolution, there was a trial during which Brockman and Miller litigated the issues of property division (including Family Code section 2640 claims), spousal support, and attorney fees. Four witnesses, including Miller and Brockman, testified at the trial. The court took the matter under submission, and shortly thereafter issued its tentative statement of decision.

Brockman objected to the court's tentative statement of decision, claiming that the trial court failed to give her credit for her Family Code section 2640 reimbursement claims. Miller objected to Brockman's objection as untimely. The court then issued its final statement of decision on July 27, 2010. The relevant portions of the final statement of decision were then incorporated into the final judgment of dissolution, which was filed on August 18, 2010. Brockman appeals from the final judgment.

On appeal, we must adopt all inferences in favor of the judgment, unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.)

It is the burden of the party challenging a judgment to provide an adequate record to assess claims of error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) When an appeal is "on the judgment roll" (*Allen, supra*, 172 Cal.App.3d at pp. 1082-1083), we must conclusively presume evidence was presented that is sufficient to support the court's findings (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154 (*Ehrler*)). Our review is limited to determining whether any error "appears on the face of the record." (*National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521; Cal. Rules of Court, rule 8.163.)

These restrictive rules of appellate procedure apply to Brockman even though she is representing herself on appeal. (*Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121; see also *Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639; *Wantuch v. Davis* (1995) 32 Cal.App.4th 786, 795.)

Brockman contends the trial court failed to properly consider her Family Code section 2640 claims when dividing the parties' community property and failed to equally distribute the parties' community property.

Without a reporter's transcript of the trial in this matter, however, we must presume the court made sufficient findings to support its decision. That is, we must presume the

court equally divided the parties' community property pursuant to Family Code section 2550 and properly credited Brockman for her separate property contributions to the community, if any. (*Ehrler, supra*, 126 Cal.App.3d at p. 154.) On the face of this record, we find nothing to suggest otherwise; we must affirm the trial court's decision.

DISPOSITION

The order of the trial court is affirmed. Costs are awarded to Ann L. Miller. (Cal. Rules of Court, rule 8.278(a)(1), (2).)

_____ MURRAY _____, J.

We concur:

_____ NICHOLSON _____, Acting P. J.

_____ ROBIE _____, J.