

September 10, 2025**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA**Lewis E. McIntyre,
Respondent Below, Petitioner****v.) No. 24-76 (ICA No. 23-ICA-110)****Estate of Judith McIntyre,
Petitioner Below, Respondent****MEMORANDUM DECISION**

The petitioner herein and respondent below, Lewis E. McIntyre, appeals from a memorandum decision entered November 1, 2023, by the Intermediate Court of Appeals (ICA) affirming the Family Court of Berkeley County's final divorce order entered February 28, 2023.¹ *See McIntyre v. McIntyre*, No. 23-ICA-110, 2023 WL 7202970 (W. Va. Ct. App. Nov. 1, 2023) (memorandum decision). On appeal, Mr. McIntyre challenges the family court's calculation of Mrs. McIntyre's equitable distribution award and the ICA's affirmance of that award.

The parties were married in 2005 and resided in Berkeley County, West Virginia. During their marriage, they built a marital home to which Mr. McIntyre contributed a parcel of real property that he owned separately; both parties also contributed various amounts of money to finance the home's construction. In March 2022, the parties separated, and Mrs. McIntyre ultimately filed for divorce alleging irreconcilable differences, which Mr. McIntyre admitted. Mr. McIntyre retained possession of the marital home during the parties' separation. By its final divorce order, the family court awarded Mr. McIntyre the marital home and required him to pay Mrs. McIntyre \$58,194.50 in equitable distribution. Mr. McIntyre appealed this ruling to the ICA, which affirmed the family court's ruling.

On appeal to this Court, Mr. McIntyre contends that the family court erred in calculating Mrs. McIntyre's equitable distribution award and did not afford his counsel an adequate opportunity to present his case. Mrs. McIntyre counters that the family court properly considered

¹ Mr. McIntyre is self-represented. Mrs. McIntyre died while Mr. McIntyre's appeal was pending before the ICA, and her Estate has been substituted in her stead; she is represented by counsel Christopher D. Janelle. *See* W. Va. R. App. P. 41(a) (explaining substitution procedure upon death of a party). To maintain consistency with the style of the case below, we refer to the respondent as Mrs. McIntyre.

the marital estate's assets and liabilities in calculating its net value and awarding equitable distribution.

Upon an appeal of a family court's final order from the Intermediate Court of Appeals, this Court reviews the family court's findings of fact for clear error, the family court's application of the law to the facts for an abuse of discretion, and questions of law de novo. Syl. Pt. 3, *Christopher P. v. Amanda C.*, 250 W. Va. 53, 902 S.E.2d 185 (2024). Having considered the record and the briefs, we find no reversible error and therefore summarily affirm the ICA's ultimate decision. *See* W. Va. R. App. P. 21(c).

Affirmed.

ISSUED: September 10, 2025

CONCURRED IN BY:

Chief Justice William R. Wooton
Justice C. Haley Bunn
Justice Thomas H. Ewing
Senior Status Justice John A. Hutchison

DISQUALIFIED:

Justice Charles S. Trump IV