

*Note: In the case title, an asterisk (\*) indicates an appellant and a double asterisk (\*\*) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2021-029

JULY TERM, 2021

Namgyal Lhamo v. Tsering Yeshi*	}	APPEALED FROM:
	}	
	}	Superior Court, Chittenden Unit,
	}	Family Division
	}	
	}	DOCKET NO. 576-10-19 Cndm
		Trial Judge: Barry D. Peterson, Specially Assigned

In the above-entitled cause, the Clerk will enter:

Husband Tsering Yeshi appeals the family division’s final order and decree of divorce, stating that he would like this Court to take into consideration the fair market value of the marital home as reported on the Zillow website over two months after the family division issued the final order. We affirm.

A final contested divorce hearing was held on December 16, 2020. The parties agreed at the hearing that they had contributed equally toward the purchase of the marital home for \$350,000 in 2017. The parties’ attorneys stated at the hearing that the property was worth \$350,000. Each party wanted the court to award the marital home to that party conditioned on the party paying the other party \$175,000, half of the equity in the home, which had no mortgage. Husband’s attorney explained as follows:

[Husband] would prefer to buy out or would ask the Court to order that he be able to buy out his wife’s interest in the property. There’s no dispute as to the value. I think we all agree it’s 350,000 dollars. That’s what the parties paid for it in 2017. So for—to make things simple, that’s, I think, what we agree on in terms of the fair market value today.

Neither party testified at the final hearing as to the fair market value of the marital home or disputed their attorneys’ statements that the parties had agreed to value the property at \$350,000. In its final order issued on December 22, 2021, six days after the final hearing, the family division awarded the marital home to wife and ordered her to pay husband “\$175,000 as compensation for his interest in the property.”

Husband now asks this Court to consider on appeal that the fair market value of the marital home, as reported on the Zillow website in early March 2021, was \$425,831. He would like us to require wife to pay him half of that amount, or at least \$200,000. We decline to do so, insofar as husband neither disputed the fair market value of the marital home that the parties’ attorneys

indicated the parties had agreed upon nor presented any contrary evidence as to the then-current value of the home at the time of the final divorce hearing. In short, husband has waived this claim of error on appeal. See MacKenzie v. MacKenzie, 2017 VT 111, ¶ 21, 206 Vt. 244 (concluding that argument claiming insufficient findings was waived under invited error doctrine, which prevents parties from inducing erroneous rulings and later seeking to profit from legal consequences of having those rulings set aside); Miller-Jenkins v. Miller-Jenkins, 2010 VT 98, ¶ 28, 189 Vt. 518 (mem.) (“Failure to preserve issues below results in waiver, even of constitutional issues.”).

Affirmed.

BY THE COURT:

---

Paul L. Reiber, Chief Justice

---

Harold E. Eaton, Jr., Associate Justice

---

William D. Cohen, Associate Justice