

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D13423
Y/cb

_____AD3d_____

Submitted - December 5, 2006

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
ROBERT J. LUNN
DANIEL D. ANGIOLILLO, JJ.

2005-06310

DECISION & ORDER

Amy Risco, respondent, v Vincent Risco, appellant.

(Index No. 3625/04)

Alysia R. Baker, Goshen, N.Y., for appellant.

In an action for a divorce and ancillary relief, the defendant appeals, as limited by his brief, from so much of a judgment of the Supreme Court, Orange County (Owen, J.), dated October 27, 2005, as included the proceeds received by the defendant from the sale of real property in determining his income for purposes of calculating child support.

ORDERED that the judgment is affirmed insofar as appealed from, without costs or disbursements.

The Supreme Court correctly included the proceeds received by the defendant from the sale of real property in determining his income for purposes of calculating child support pursuant to the Child Support Standards Act (*see* Domestic Relations Law § 240[1b][b][5][i],[ii]; *McFarland v McFarland*, 221 AD2d 983, 984; *see also Matter of Mitchell v Mitchell*, 264 AD2d 535, 539).

SPOLZINO, J.P., RITTER, LUNN and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 16, 2007

RISCO v RISCO