

Rel: September 8, 2023

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ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2023

CL-2023-0153

William John Desmond

v.

Shawna Lynn Desmond

**Appeal from Baldwin Circuit Court
(DR-20-901410)**

FRIDY, Judge.

William John Desmond ("the husband") appeals from a judgment of the Baldwin Circuit Court ("the trial court") divorcing him from Shawna Lynn Desmond ("the wife"). We reverse and remand with instructions.

On December 11, 2020, the husband filed a complaint for a divorce from the wife. The trial court held a bench trial at which the parties presented oral testimony over two days in September and October 2022. The trial court entered a judgment on December 27, 2022, divorcing the parties on the basis of incompatibility of temperament, dividing the marital property, and awarding the wife periodic alimony in the amount of \$500 each month.

The husband filed a motion to alter, amend, or vacate the divorce judgment on January 18, 2023. On March 7, 2023, the trial court entered an amended judgment, which altered provisions regarding the marital home. In that amended judgment, the trial court ordered the wife to refinance the marital home and to release the husband from its debt. On March 14, 2023, the husband timely filed a notice of appeal.

On appeal, the husband argues that the trial court erred in awarding alimony to the wife because the trial court did not make the express findings required by § 30-2-57, Ala. Code 1975, when a trial court makes an award of rehabilitative or periodic alimony. Specifically, the husband argues that in awarding alimony to the wife, the trial court failed to make express findings that the wife's estate was insufficient,

that the husband could afford to pay alimony, and that an award of alimony was equitable. § 30-2-57(a), Ala. Code 1975. In her appellate brief, the wife agrees with the husband. We agree as well. Based on our holding in Laurendine v. Laurendine, 353 So. 3d 1148 (Ala. Civ. App. 2021), we reverse the judgment and remand the cause with instructions to the trial court to enter a new judgment that complies with § 30-2-57. We do not reach the other issue the husband raises on appeal -- that the trial court exceeded its discretion by inequitably dividing the parties' marital property -- because "the question of alimony is intertwined with the issue of the division of the marital property." Grocholski v. Grocholski, 89 So. 3d 123, 133 (Ala. Civ. App. 2011). "Instead, the trial court is to reconsider the marital property division in conjunction with any alimony determination." Lopez v. Rodriguez, [Ms. 2210320, Jan. 20, 2023] __ So. 3d __ (Ala. Civ. App. 2023).

REVERSED AND REMANDED WITH INSTRUCTIONS.

Thompson, P.J., and Moore, Edwards, and Hanson, JJ., concur.