

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.**  
*See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24*

**FILED BY CLERK**  
**JUN -2 2011**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

COREY RIVERS,	)	
	)	2 CA-CV 2010-0158
Petitioner/Appellant,	)	DEPARTMENT A
	)	
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
CHELSEY RIVERS,	)	Rule 28, Rules of Civil
	)	Appellate Procedure
Respondent/Appellee.	)	
	)	

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APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. D20094620

Honorable Sharon Douglas, Judge Pro Tempore

AFFIRMED

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Corey Rivers	Tucson
	In Propria Persona

Chelsey Rivers	Nashville
	In Propria Persona

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ESPINOSA, Judge.

¶1 Corey Rivers appeals the trial court's order awarding his former wife Chelsey Rivers monthly spousal maintenance of \$450 for eighteen months. For the following reasons, we affirm.

## **Facts and Procedural History**

¶2 Corey and Chelsey were married in Nashville, Tennessee in May 2003. Corey has worked full-time as a database manager since completing a bachelor's degree in 2006. Chelsey had earned a bachelor's degree before the marriage and worked as a research analyst in Tennessee. She left her position in order to relocate with Corey when he obtained a new job in Arizona.

¶3 After Corey filed a dissolution petition in 2009, Chelsey responded and requested spousal maintenance, contending she could not provide for her reasonable needs and asserting she had contributed to Corey's education. The court awarded Chelsey monthly spousal maintenance of \$450 for eighteen months. This appeal followed. We have jurisdiction pursuant to A.R.S. § 12-120.21(A)(1).

## **Discussion**

¶4 We review the trial court's award of spousal maintenance for an abuse of discretion, viewing the evidence in the light most favorable to the court's order, and will affirm the judgment if there is any reasonable evidence to support it. *Gutierrez v. Gutierrez*, 193 Ariz. 343, ¶ 14, 972 P.2d 676, 681 (App. 1998). Further, we presume that evidence in the record supports the court's decision even if it is not detailed specifically in the minute entry. *Fuentes v. Fuentes*, 209 Ariz. 51, ¶ 18, 97 P.3d 876, 880-81 (App. 2004). Finally, although the exhibits introduced at trial have been provided to this court, the transcripts of the dissolution proceedings have not been made part of the record on appeal. As the appellant, Corey was obligated to "mak[e] certain the record on appeal contains all transcripts or other documents necessary for us to consider the issues raised."

*Baker v. Baker*, 183 Ariz. 70, 73, 900 P.2d 764, 767 (App. 1995). In the absence of transcripts, “we assume they would support the court’s findings and conclusions.” *Id.*; *see also* Ariz. R. Civ. App. P. 11(b) (detailing duty of appellant to provide transcript).

¶5 Without reference to the record or any authority, Corey contends the trial court’s judgment awarding Chelsey spousal maintenance should be reversed. An award of spousal maintenance is governed by A.R.S. § 25-319. Generally, we apply a two-step review process, first considering whether the spouse meets the eligibility requirements of § 25-319(A), and next reviewing the court’s application of the factors listed in § 25-319(B) in setting the amount and duration of spousal maintenance. *Gutierrez*, 193 Ariz. 343, ¶ 15, 972 P.2d at 681. Trial courts have substantial discretion within this two-step framework. *Rainwater v. Rainwater*, 177 Ariz. 500, 502, 869 P.2d 176, 178 (App. 1993).

¶6 Under § 25-319(A), the trial court may award spousal maintenance if it finds the spouse seeking maintenance “[l]acks sufficient property, including property apportioned to the spouse, to provide for that spouse’s reasonable needs”; “[i]s unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient”; “[c]ontributed to the educational opportunities of the other spouse”; or “[h]ad a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.” § 25-319(A). The court has discretion to

grant maintenance “when any one of [the] four factors is present.” *Cullum v. Cullum*, 215 Ariz. 352, ¶ 11, 160 P.3d 231, 233 (App. 2007).

¶7 Here, the trial court determined Chelsey met two conditions for spousal maintenance. First, she had contributed to Corey’s earning ability when he attended school during the marriage and had left her position as a research analyst to help him pursue career opportunities in Arizona, which reduced her earning ability. Second, the court found Chelsey currently was unable to be self-sufficient through appropriate employment and she intended to pursue a sixteen-month nursing program. Based on our review of the limited record before us, we find no abuse of discretion. *See Cullum*, 215 Ariz. 352, ¶ 13, 160 P.3d at 233-34 (no abuse of discretion when trial court found wife not self-sufficient and needed further education); *see also McCarthy v. McCarthy*, 146 Ariz. 207, 208-09, 704 P.2d 1352, 1353-54 (App. 1985) (no abuse of court’s discretion where trial court received evidence regarding wife’s health, education, and opportunities for employment); *accord Hardin v. Hardin*, 163 Ariz. 501, 502-03, 788 P.2d 1252, 1253-54 (App. 1990) (determination wife “in need of assistance,” together with consideration of parties’ relative financial positions and wife’s station in life as result of marriage sufficient to support award of spousal maintenance).

¶8 In the second step of the analysis, the trial court may award spousal maintenance “in an amount and for a period of time as the court deems just” after considering the factors listed in § 25-319(B).<sup>1</sup> Although the court must consider all

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<sup>1</sup>Section 25-319(B), A.R.S., lists thirteen factors, including:

statutory factors, *Leathers v. Leathers*, 216 Ariz. 374, ¶ 10, 166 P.3d 929, 932 (App. 2007), it is required to make findings only as to those factors relevant to the particular case and on which the parties have presented evidence. *Cullum*, 215 Ariz. 352, ¶ 15, 160 P.3d at 234; *Rainwater*, 177 Ariz. at 502, 869 P.2d at 178.

¶9 Here, although Corey appears to suggest the trial court failed to consider relevant factors, the court expressly referred to § 25-319, and its findings demonstrate that it considered the factors in subsection (B). Specifically, the court found that Corey earned more than Chelsey, could afford maintenance payments, and had benefited from Chelsey's contributions during his education. The court also addressed Chelsey's age, employment history, earning ability, resources, and condition; her reduction in earnings due to relocation; and her inability to meet her reasonable needs. Finally, in setting the relatively brief maintenance period ordered, the court noted the short duration of the

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3. The age, employment history, earning ability and physical and emotional condition of the spouse seeking maintenance.

....

5. The comparative financial resources of the spouses, including their comparative earning abilities in the labor market.

6. The contribution of the spouse seeking maintenance to the earning ability of the other spouse.

7. The extent to which the spouse seeking maintenance has reduced that spouse's income or career opportunities for the benefit of the other spouse.

....

10. The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment and whether such education or training is readily available.

marriage, the couple's shared standard of living, and Chelsey's plan to pursue a sixteen-month nursing program in order to increase her future earnings.

¶10 In view of the trial court's findings under § 25-319(B) and our lack of a transcript of the proceedings, we cannot conclude the court abused its discretion in awarding \$450 monthly maintenance for eighteen months. *See Gutierrez*, 193 Ariz. at 348-49, ¶¶ 18-27, 972 P.2d at 681-82; *see also Cullum*, 215 Ariz. at 356, ¶ 21, 160 P.3d at 236 (affirming amount and duration of spousal maintenance award where trial court had made its determination based on relevant § 25-319(B) factors). On this record, we find no abuse of the court's discretion.

### Conclusion

¶11 For the reasons stated above, the trial court's award of spousal maintenance is affirmed.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Presiding Judge

/s/ Joseph W. Howard  
JOSEPH W. HOWARD, Chief Judge