

STATE OF MICHIGAN
COURT OF APPEALS

JANE ELLEN MCNAMARA,

Plaintiff-Appellee/Cross-Appellant,

v

ALBERT OCTAVE HORNER,

Defendant-Appellant/Cross-
Appellee.

FOR PUBLICATION
March 13, 2003
9:10 a.m.

No. 216018
Oakland Circuit Court
LC No. 96-532736-DO

AFTER REMAND
Updated Copy
May 9, 2003

Before: White, P.J., and Wilder and Zahra, JJ.

WHITE, P.J. (*concurring in part and dissenting in part*).

I join in the majority's conclusion that the trial court's findings on remand should be affirmed. I write separately because while the trial court's general conclusions are sound, it is unclear on this record whether the resulting judgment should be affirmed. Specifically, while the trial court determined that the parties' bonuses for 1996 and 1997 should be treated as marital property, and split equally, and that the NBD bank account should be awarded solely to Albert O. Horner to the extent it represented money received from the consulting agreement, with the remainder split equally, the court did not state any numbers, and did not resolve all remaining disputes. While the court stated that defendant's 1996 and 1997 bonuses should be treated as marital property and divided equally, defendant's counsel appeared to assert that the bonuses were paid as part of the consulting agreement that was treated as his separate property. The court left this issue open, so that it is unclear whether the ultimate judgment will award plaintiff one-half of defendant's bonuses for those years. Also, the accounting for the NBD account was left unresolved, so that it is unclear how the judgment will actually divide the account.

Under the circumstances, I would affirm the court's opinion as far as it goes, and remand with instructions to make specific findings regarding the actual distribution of the NBD account and the bonuses, and authorize the court to enter an amended judgment on remand, which this Court can then review.

/s/ Helene N. White