

STATE OF MICHIGAN

COURT OF APPEALS

COLLEEN B. ERICKSON,

Plaintiff-Appellee,

v

LEROY A. ERICKSON,

Defendant-Appellant.

UNPUBLISHED

October 13, 1998

No. 201403

Oceana Circuit Court

LC No. 96-003662 DO

Before: Corrigan, C.J., and Doctoroff and Fitzgerald, JJ.

PER CURIAM.

Defendant appeals as of right a judgment of divorce, challenging the division of marital assets. The parties stipulated to the division of the individual items, but disagreed as to the value of some of those items, particularly the marital home. Without making specific findings of fact, the court awarded the property as stipulated, and ordered plaintiff to pay an additional \$5,000 to defendant as an equity adjustment. The court indicated that it intended to award plaintiff sixty percent of the marital assets in lieu of an alimony award. Defendant contends that the property division was inequitable and that the trial court committed error requiring reversal when it failed to place findings of fact on the record. We affirm.

A trial court is required to make findings of fact whenever a case is tried without a jury. MCR 2.517. Where the court does not make findings of fact on the record, remand for clarification is required unless it is clear that the trial court was aware of the issues in dispute, and the court correctly applied the law. *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176; 530 NW2d 772 (1995). In this case, it is clear that the trial judge was aware of the primary issue in dispute, that is, the value of the home. He discussed, on the record, the conflicting values, and how he intended to resolve the dispute. Therefore, remand for supplementation of the record is unnecessary.

Defendant next claims that the court failed to make adjustments for the debt attached to his allotment of the marital property. Two items, in particular, were encumbered by debt: a Massey-Ferguson tractor encumbered by a \$7,000 debt, and a 1993 Chevrolet pickup truck, encumbered by a

\$10,000 debt. However, it is clear from the record that the debts were taken into consideration in arriving at a “net value” for each item. The “net values” were then used in dividing the assets. Hence, defendant’s argument is without merit.

Defendant next claims that the court failed to consider a \$16,000 inheritance that he contributed to the marital assets. However, defendant fails to explain how the court erred in this regard, and at trial defendant requested that this matter be discussed in chambers rather than on the record. Defendant cannot now argue that the trial court erred in its consideration of the issue, particularly when he failed to develop a record regarding this argument below and failed to develop this argument for purposes of this appeal. *Smith v Musgrove*, 372 Mich 329, 337; 125 NW2d 869 (1964).

Defendant more generally argues that the division of the marital estate was not fair and equitable. He asserts that plaintiff received fifty-eight percent of the assets and that he received forty-two percent of the assets. However, even assuming that defendant’s calculations are accurate,¹ the division was consistent with the court’s decision to award plaintiff sixty percent of the marital property in lieu of alimony. Defendant has not expressly challenged the trial court’s decision that plaintiff was entitled to alimony, nor has he challenged the court’s decision to skew the property division as an alimony substitute. Hence, we conclude that the trial court reached an equitable division of the marital assets in light of all of the circumstances. *Byington v Byington*, 224 Mich App 103, 114; 568 NW2d 141 (1997).

Affirmed.

/s/ Maura D. Corrigan
/s/ Martin M. Doctoroff
/s/ E. Thomas Fitzgerald

¹ Defendant’s calculations are not accurate. In calculating the value of the property he received, defendant failed to include five pieces of property that he was awarded. Therefore, defendant’s award must be increased by the value of his credit union account (\$7,273), the Allis Chalmers tractor (\$1,000), the tools and machinery (\$4,000), the lawn mower (\$600), and the Chevy truck (\$8,499).