

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL STANLEY MICHALIK,

Plaintiff-Appellant,

v

RENEE ANN MICHALIK,

Defendant-Appellee.

UNPUBLISHED

March 10, 2000

No. 210569

Wayne Circuit Court

LC No. 97-717779-DM

Before: Cavanagh, P.J., and White and Talbot, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's judgment of divorce awarding defendant a share in the marital home and ordering plaintiff to contribute to defendant's attorney fees. We affirm.

Plaintiff first argues that the trial court improperly awarded defendant an interest in the marital home. The goal of the court in apportioning a marital estate is to reach an equitable distribution of property in light of all the circumstances. *Byington v Byington*, 224 Mich App 103, 114; 568 NW2d 141 (1997). No mathematical formula governs the distribution, and the division need not be equal as long as it is equitable. *Demman v Demman*, 195 Mich App 109, 114; 489 NW2d 161 (1992). In reviewing a dispositional ruling in a divorce case, this Court reviews the trial court's findings of fact for clear error. A finding is clearly erroneous if the appellate court is left with a definite and firm conviction that a mistake was made. If the trial court's findings are not clearly erroneous, the appellate court must then decide whether a dispositional ruling was fair and equitable in light of those facts. Dispositional rulings should be affirmed unless this Court is left with the firm conviction that the distribution was inequitable. *Sparks v Sparks*, 440 Mich 141, 151-152; 485 NW2d 893 (1992).

Plaintiff contends that the trial court improperly divided the value of the marital home by finding that a "partnership" arose during the nine-year period that the parties cohabited prior to their marriage. We agree with plaintiff that the trial court erred in considering principles of partnership law. Black's Law Dictionary (6th ed) defines a "partnership" in part as "[a] voluntary contract between two or more competent persons to place their money, effects, labor, and skill, or some or all of them, in understanding that there shall be a proportional sharing of the profits and losses between them." There is no indication in the record that the parties' association was a collaboration for profit, and we have

found no authority to support the proposition that partnership law may govern the dissolution of marital assets.

Nevertheless, this Court will not reverse where the trial court reached the right result for the wrong reason. *Lane v KinderCare Learning Centers, Inc*, 231 Mich App 689, 697; 588 NW2d 715 (1998). Pursuant to MCL 552.401; MSA 25.136, when one party significantly assists in the acquisition or growth of a spouse's separate asset, the court may consider the contribution as having a distinct value deserving of compensation. *Reeves v Reeves*, 226 Mich App 490, 494-495; 575 NW2d 1 (1997). The trial court found that defendant contributed to the household enterprise in proportion to her earnings. This finding is not clearly erroneous. The testimony indicates that defendant purchased food, periodically paid utility bills, and performed services such as running errands, cooking, and house cleaning. Significantly, the trial court roughly allocated a share in the increase in the house's value based on each party's income and did not consider plaintiff's down payment on the house as part of the marital estate. In light of these facts, we are not left with the firm conviction that the distribution was unfair or inequitable. See *Sparks, supra*.

Plaintiff next argues that the trial court improperly awarded defendant a portion of her attorney fees. We review the trial court's decision to award attorney fees for an abuse of discretion. *Kosch v Kosch*, 233 Mich App 346, 354; 592 NW2d 434 (1999).

This Court has held that "an award of legal fees is authorized where the party requesting payment of the fees has been forced to incur them as a result of the other party's unreasonable conduct throughout the course of litigation." *Stackhouse v Stackhouse*, 193 Mich App 437, 445; 484 NW2d 723 (1992). Here, the trial court found that plaintiff's "consistent zero position" forced defendant to go to trial. Under the circumstances, we find no abuse of discretion in the partial award of attorney fees. See *Schoensee v Bennett*, 228 Mich App 305, 315; 577 NW2d 915 (1998).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Helene N. White
/s/ Michael J. Talbot