

STATE OF MICHIGAN
COURT OF APPEALS

SHARON PAWLOSKI,

Plaintiff-Appellee/Cross-Appellant,

v

ROBERT T. PAWLOSKI,

Defendant-Appellant/Cross-
Appellee.

UNPUBLISHED

October 26, 2001

No. 226667

Kent Circuit Court

LC No. 99-002491-DO

Before: Griffin, P.J., and Gage and Meter, JJ.

GAGE, J. (concurring in part, dissenting in part).

While I agree with my colleagues' disposition of the marital property division issue, I respectfully dissent from their decision to remand this case for findings of fact regarding the court's alimony award.

This is not a complex case and the alimony award in dispute is neither a large amount nor of substantial duration; the trial court awarded \$125 per week for three years. Most of the relevant facts appear undisputed. This is a 28-year marriage, and a substantial disparity exists between the parties' incomes. The trial court awarded alimony for these obvious and appropriate reasons, the length of the marriage and the income disparity. I further note that the trial judge was no stranger to the case, and plainly was aware of the relevant facts. Before the February 2000 divorce trial, the court in November 1999 entertained a motion for spousal support. At that hearing, the court articulated its reasons for ordering that defendant pay spousal support:

[M]aybe the house is going to have to be sold. I don't know. . . . but there's a disparity in income and the lady is trying to work. I guess if I err anywhere, I'm going to err on the side of the party that's at least trying to work. We've all seen too many situations where somebody sits back and does nothing. The car situation is a tough one in this day and age, so I'm going to order \$ 200 a month, and it's for four months. We're going to try this in February.

In *Ianitelli v Ianitelli*, 199 Mich App 641; 502 NW2d 691 (1993), this Court addressed the plaintiff husband's appeal of the trial court's alimony award. In affirming the trial court's award, this Court took into consideration that "[a]lthough not mentioned by the court, it is undisputed by the parties that plaintiff's gross income" dwarfed the defendant's by approximately \$100,000. *Id.* at 643. This Court further found, though unmentioned by the trial

court, that the parties' ages and work histories supported the trial court's alimony determination. *Id.* Therefore, after reviewing the trial court record on appeal and making several of its own findings relevant to alimony, this Court affirmed the award.

I likewise in this case would affirm the trial court's award of alimony on the basis that the relevant facts amply supporting the trial court's award are undisputed and self-evident within the trial court record. I find it a waste of judicial resources to remand this case for the trial court to make findings that appear patently obvious, especially considering the small amount of alimony at issue and the lengthy period of time that further proceedings in the trial court, and likely this Court, will require.

For these reasons, I simply would affirm the trial court's awards.

/s/ Hilda R. Gage