

STATE OF MICHIGAN  
COURT OF APPEALS

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MARILYN A. WELCH,

Plaintiff-Appellee,

v

STANLEY A. WELCH,

Defendant-Appellant.

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UNPUBLISHED

October 30, 2001

No. 224860

Saginaw Circuit Court

LC No. 97-019672-DO

Before: Whitbeck, P.J., and Neff and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals as of right the judgment of divorce entered after a bench trial. We affirm.

On appeal, defendant argues that the trial court abused its discretion in awarding plaintiff half of his pension benefits. We disagree.

Division of marital property is an exercise of judicial discretion that should not be reversed in the absence of a firm conviction that the distribution was inequitable. *Sparks v Sparks*, 440 Mich 141, 152; 485 NW2d 893 (1992). While the division of property need not be equal, it must be equitable. *Id.*, 159. Factors to be considered in awarding property are: “(1) duration of the marriage, (2) contributions of the parties to the marital estate, (3) age of the parties, (4) health of the parties, (5) life status of the parties, (6) necessities and circumstances of the parties, (7) earning abilities of the parties, (8) past relations and conduct of the parties, and (9) general principles of equity.” *Id.*, 159-160.

A division of property does not need to be mathematically equal, but any significant departure from congruence must be supported by a clear explanation. *Byington v Byington*, 224 Mich App 103, 114-115; 568 NW2d 141 (1997). None of the factors in this case shift the balance away from an equal division. The trial court did not abuse its discretion in dividing the pension benefits.

Affirmed.

/s/ William C. Whitbeck

/s/ Janet T. Neff

/s/ Joel P. Hoekstra