

STATE OF MICHIGAN  
COURT OF APPEALS

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SHARRON BRITTON,

Plaintiff-Appellant,

V

WILLIAM WAYNE BRITTON,

Defendant-Appellee.

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UNPUBLISHED

September 13, 2002

No. 230287

Livingston Circuit Court

LC No. 00-836-DO

Before: Markey, P.J., and Cavanagh and R. P. Griffin\*, JJ.

PER CURIAM.

Plaintiff appeals by right from the trial court's divorce judgment. Plaintiff contends that a portion of the marital property belonging to her and defendant was unfairly treated, valued, and divided. Plaintiff specifically contests the treatment of the Comerica Securities account, the valuation of defendant's house, and the division of credit card debts. We affirm.

Absent a binding agreement, the goal in distributing marital assets in a divorce proceeding is to reach an equitable distribution of property in light of all the circumstances. *McNamara v Horner*, 249 Mich App 177, 188; 642 NW2d 385 (2002). Generally, marital assets are subject to division between the parties but the separate assets of each party are not to be invaded. *Id.* at 183. Findings of fact, such as a trial court's valuations of particular marital assets, will not be reversed unless clearly erroneous. *Id.* at 182.

We turn first to treatment of the Comerica Securities account. The trial court properly categorized the increase in value of this jointly held account as a marital asset that should be divided equally between plaintiff and defendant. Under MCL 552.19,

[u]pon the annulment of a marriage, a divorce from the bonds of matrimony or a judgment of separate maintenance, the court may make a further judgment for restoring to either party the whole, or such parts as it shall deem just and reasonable, of the real and personal estate that shall have come to either party by reason of the marriage, or for awarding to either party the value thereof, to be paid by either party in money.

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\* Former Supreme Court justice, sitting on the Court of Appeals by assignment.

Defendant gained his interest in the Comerica Securities account “by reason of the marriage” when plaintiff added defendant’s name to the account after the marriage occurred. In addition, both plaintiff and defendant treated the Comerica Securities account as a marital asset by using money from the account to pay for marital obligations. We conclude that the trial court correctly separated plaintiff’s premarital assets in the Comerica Securities account from other assets acquired after the marriage before defining the marital assets. Moreover we find that the separate premarital assets were not invaded by the court ordered distribution.

Plaintiff next claims that the trial court clearly erred by valuing defendant’s Canyon Oaks house at \$350,000 as of the date of the marriage. However, we find no error because the court’s valuation was based on the evidence. The \$350,000 figure is consistent with testimony that the property had been appraised at \$254,000 more than five years before the marriage, that some work had been done on the house before the marriage and that the property was appraised at \$395,000 one year after the marriage.

Finally, the trial court did not err in holding plaintiff responsible for paying a portion of the credit card debt incurred after commencement of the divorce proceedings. The trial court ordered that jointly owned funds were to be used only to pay debt incurred before the complaint was filed, or to pay debt incurred between the date of the complaint and the date of the divorce judgment to the extent that such debt was incurred to maintain marital obligations. Defendant testified that his credit card debt was incurred to pay various expenses incurred during the marriage, and that it was both his and plaintiff’s “purchasing efforts” that contributed to the then current debt. Plaintiff agreed that she and defendant incurred credit card debt to maintain their lifestyle.

We conclude that the trial court’s finding as to debt was not clearly erroneous, and that the division of assets and debts ordered by the court produced an equitable result.

Affirmed.

/s/ Jane E. Markey  
/s/ Mark J. Cavanagh  
/s/ Robert P. Griffin