

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2012-CA-001588-MR

JEFFREY DEAN BOWMAN

APPELLANT

APPEAL FROM PIKE CIRCUIT COURT  
v. HONORABLE JANIE MCKENZIE WELLS, SPECIAL JUDGE  
ACTION NO. 10-CI-01525

LISA CAROL (NEWSOME) BOWMAN

APPELLEE

OPINION  
AFFIRMING

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BEFORE: CAPERTON, CLAYTON, AND JONES, JUDGES.

CAPERTON, JUDGE: Jeffrey Dean Bowman appeals from the June 4, 2012, findings of fact, conclusions of law, and decree of dissolution of marriage in which the Pike Circuit Court awarded maintenance to Lisa Carol Bowman. Jeffrey also appeals from the August 28, 2012, order which denied his motion to alter, amend, or vacate the June 4, 2012, judgment. Because we hold that the trial court's award of maintenance was not an abuse of discretion, we affirm.

Jeffrey and Lisa Carol Bowman were married in 1993. There were three children born of the marriage. On September 29, 2010, Lisa filed a petition for dissolution of marriage in the Pike Circuit Court. During the pendency of the action, several temporary orders were entered, including an order that Jeffrey pay Lisa maintenance in the amount of \$900.00 per month. A final hearing was held on April 12, 2012. Thereafter, the findings of fact, conclusions of law, and decree of dissolution of marriage were entered on June 4, 2012. Therein, the trial court divided the marital property and debts, determined custody and visitation, and ordered child support and maintenance. Maintenance is the only issue relevant to this appeal. The trial court's judgment ordered that Jeffrey continue to pay Lisa maintenance in the amount of \$900.00 per month for a period of four years or until she remarries. Jeffrey filed a motion to alter, amend, or vacate, which was subsequently denied. This appeal followed.

Maintenance awards, including the amount and duration thereof, are within the sound discretion of the trial court. *Weldon v. Weldon*, 957 S.W.2d 283, 285 (Ky. App. 1997). Thus, we will not disturb a trial court's award of maintenance minus an abuse of that discretion. "The test for abuse of discretion is whether the trial court's decision was 'arbitrary, unreasonable, unfair, or unsupported by sound legal principles.'" *Age v. Age*, 340 S.W.3d 88, 94 (Ky. App. 2011)(citation omitted).

Maintenance awards are governed by Kentucky Revised Statutes (KRS) 403.200, which provides that the trial court may grant maintenance if it finds the spouse receiving the maintenance:

- (a) Lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs; and
- (b) Is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

KRS 403.200(1).

In addition, the trial court is to determine the amount and duration of any maintenance award after considering all relevant factors, including:

- (a) The financial resources of the party seeking maintenance, including marital property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;
- (b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;
- (c) The standard of living established during the marriage;
- (d) The duration of the marriage;
- (e) The age, and the physical and emotional condition of the spouse seeking maintenance; and
- (f) The ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.

KRS 403.200(2).

Jeffrey's solitary argument on appeal is that the trial court abused its discretion when it awarded maintenance without first considering the factors of

KRS 403.200(2). It is well-established that a trial court must first consider the KRS 403.200(2) factors before determining the amount and duration of a maintenance award. *Gomez v. Gomez*, 168 S.W.3d 51, 57 (Ky. App. 2005).

However, this Court has found that the trial court is not required to make specific findings of fact as to each relevant factor. *McGregor v. McGregor*, 334 S.W.3d 113, 118 (Ky. App. 2011).

Our review of the record indicates that the factors of KRS 403.200(2) as well as other factors relevant to Lisa's ability to support herself were discussed during the April 12, 2012, hearing. The evidence indicates that the parties had been married for twenty years and that Lisa had ceased working when the first of the parties' children was born. Lisa testified that she was not currently employed, but was preparing to return to school for training in respiratory therapy, which would take approximately three years. She further testified that she had no income other than the child support and maintenance payments being made by Jeffrey.

Additional evidence was submitted regarding the parties' individual monthly expenses and property ownership. Other than Jeffrey's speculative allegations, there is no reason for us to believe that the trial court did not consider this evidence when it determined the amount and duration of the maintenance award. Accordingly, there is no showing that the trial court abused its discretion and Jeffrey's argument is therefore without merit.

For the foregoing reasons, the June 4, 2012, findings of fact, conclusions of law, and decree of dissolution of marriage of the Pike Circuit Court are affirmed.

ALL CONCUR.

BRIEFS FOR APPELLANT:

John T. Chafin  
Prestonsburg, Kentucky

BRIEF FOR APPELLEE:

Lawrence R. Webster  
Pikeville, Kentucky