

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT JAMES NEELY,

Plaintiff-Appellant,

v

GENEVA NEELY,

Defendant-Appellee.

UNPUBLISHED

December 17, 1996

No. 193021

Wayne County

LC No. 95-515131

Before: Griffin, P.J., and T.G. Kavanagh* and D.B. Leiber**, JJ.

PER CURIAM.

Plaintiff appeals as of right from a judgment of divorce entered on February 12, 1996, in which the trial court awarded defendant \$150 per week for three years in alimony. We affirm.

Plaintiff contends that the amount of alimony awarded to defendant was inequitable. We disagree. In a divorce case, this Court must review the trial court's findings of fact under the clearly erroneous standard. If the findings of fact are upheld, this Court must decide whether the dispositive ruling was fair and equitable in light of the facts. The trial court's ruling should be affirmed unless this Court is left with the firm conviction that the division was inequitable. *Sparks v Sparks*, 440 Mich 141, 151-152; 485 NW2d 893 (1992).

A divorce court has the discretion to award alimony as it considers just and reasonable. *Ianitelli v Ianitelli*, 199 Mich App 641, 642-643; 502 NW2d 691 (1993). The main objective of alimony is to balance the incomes and needs of the parties in a way that would not impoverish either party. *Hanaway v Hanaway*, 208 Mich App 278, 295; 527 NW2d 792 (1995). In awarding alimony, the trial court must consider the following factors which are relevant to the circumstances of the particular case: (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

* Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

** Circuit judge, sitting on the Court of Appeals by assignment.

the parties, (7) earning abilities of the parties, (8) past relations and conduct of the parties, and (9) general principles of equity. *Sparks, supra*.

Plaintiff disputes several factual findings made by the trial court. We hold that the trial court's findings of fact were not clearly erroneous based on the evidence presented in this case. The trial court determined both the length of the marriage and the amount of equity in the home based on plaintiff's testimony at trial. Further, plaintiff failed to present evidence as to the monetary amount of support he was giving his niece. Accordingly, the trial court properly did not consider this amount in awarding alimony to defendant. The trial court's failure to make a specific finding of fact regarding the past relations and the conduct of the parties was harmless in light of its evaluation of the other relevant factors necessary to award alimony.

Since we conclude that the trial court's findings of fact were not clearly erroneous, the only question before us is whether the trial court's award of alimony was inequitable. We hold that the amount of alimony awarded to defendant by the trial court was fair and equitable in light of the facts presented.

Plaintiff earned \$635 net income per week, with an annual gross salary of approximately \$44,000. Plaintiff was responsible for his car payment, a Mastercard payment, a personal line of credit payment, a payment to Commercial Credit, and a payment to Meijer's, which amounted to approximately \$770 per month, not including a \$338 total payment to Montgomery Ward's, an undisclosed amount of dental bills, an undisclosed amount for his car phone bills, and the undisclosed amount of his mortgage and associated bills. Defendant earned \$177 net income per week as a nurses' aide and received \$123 per month in child support. She was responsible for a \$450 per month mortgage payment on the marital home, as well as an approximate payment of \$300 per month for medical insurance through plaintiff's employer. Defendant was also responsible for all associated bills for the marital home, including electric, gas, and water. Defendant purchased groceries for herself and her children when they were not donated by the women at her church.

Based on the financial situation of the parties, we hold that the trial court's award of \$150 per week for three years to defendant was not inequitable. The award granted to defendant would give her an extra \$7,800 to assist her in making her mortgage and medical insurance payments, along with the daily expenses of living. Three years is a reasonable time for defendant, who has a high school diploma but no professional skills, to get her life organized after being accustomed to living in a middle class environment with plaintiff. Because the main objective of alimony is to balance the incomes and needs of the parties in a way that would not impoverish either party, *Hanaway, supra*, and the award appears to be just and reasonable under the circumstances, *Ianitelli, supra*, we find the award to be fair and equitable.

Affirmed.

/s/ Richard Allen Griffin
/s/ Thomas Giles Kavanagh
/s/ Dennis B. Leiber