STATE OF MICHIGAN

COURT OF APPEALS

SHARON LEIGH RICKNER,
f/k/a SHARON LEIGH FREDERICK,

Plaintiff-Appellant,

v

RICHARD VAUGHN FREDERICK II,

Defendant-Appellee.

UNPUBLISHED
March 27, 1998

No. 201869
Jackson Circuit Court
LC No. 88-049781 DO

Before: Neff, P.J., and Sawyer and Murphy, JJ.

PER CURIAM.

This case has been remanded to us by our Supreme Court for consideration as on leave granted. 454 Mich 875. Plaintiff appeals the circuit court's denial of her motion for reinstatement of alimony. We affirm.

I

In 1989, after a marriage of more than twenty years, plaintiff and defendant were divorced. The judgment of divorce awarded plaintiff alimony of $750 per month until further order of the court or plaintiff's death or remarriage. The judgment also provided that alimony would be reviewed in two years and at the time of defendant's retirement. The court expressly reserved jurisdiction over the subject matter of the divorce proceedings.

In accordance with the judgment, the court scheduled alimony for review by the Friend of the Court. Plaintiff admitted to living with a boyfriend for approximately one year, ending in July 1991. Defendant objected to paying alimony while plaintiff was cohabiting. Following a hearing on October 4, 1991, the court increased defendant's alimony obligation to $945.70 per month, and ordered that defendant's obligation to pay alimony would terminate on plaintiff's "death, remarriage or residence with a male person to whom she is not married or related." Plaintiff wrote a letter to the trial court protesting that the additional condition violated her "God-given rights," but did not initiate an appeal of the trial court's order.

The next alimony review took place in September 1992. The Friend of the Court investigated and reported to the court that plaintiff admitted that she again cohabited with a man she planned to marry. Plaintiff states that this period of cohabitation lasted just a few weeks, following which the couple ended their relationship. The court adopted the findings of the referee, ordered that defendant make payments against his arrearage, and stated that alimony was to be reserved as of September 16, 1992. Another review took place in October 1993, after which the judge's successor terminated further alimony and ordered that all alimony charges that accrued after September 16, 1992, were to be canceled.

It appears that the Friend of the Court continued assessing alimony charges against defendant. Accordingly, the trial court issued an order on January 24, 1994, stating that the "file is to be closed and deleted pursuant to IA Case Closure Standards."

Nearly two years later, in November 1995, plaintiff filed a motion to reinstate alimony claiming changed circumstances, including increased symptoms of multiple sclerosis, her inability to work, her deteriorating financial situation, and a change in her living arrangements. After a hearing on the petition, the trial court dismissed the motion, stating:

> This matter was laid at rest when apparently the petitioner decided she was going to reside with a person of the opposite sex, knowing full well that that was apparently in violation of the order that had been entered by Judge Fleming[1] on December 19 of 1991. She made her choice. She didn't have to make that choice. Judge Fleming made the choice and terminated the alimony.

This appeal followed.

II

Plaintiff argues that the trial court erred in finding that it did not have authority to reinstate alimony, and in refusing to do so. We disagree.

MCL 552.28; MSA 25.106 provides as follows:

> On petition of either party, after a judgment for alimony or other allowance for either party or a child . . . the court may revise and alter the judgment, respecting the amount or payment of the alimony or allowance, and also respecting the appropriation and payment of the principal and income of the property held in trust, and may make any judgment respecting any of the matters that the court might have made in the original action.

Such a provision is generally held to write in a reservation of the power to modify an award of alimony. See, e.g., *Butler v Butler*, 356 Mich 607, 617; 97 NW2d 67 (1959). However, it is well settled that where no provision is made for alimony or the question is not reserved, the court is powerless to grant any alimony in the future. *Ballentine v Ballentine*, 357 Mich 7, 8; 97 NW2d 620 (1959), *Copeland v Copeland*, 109 Mich App 683, 686; 311 NW2d 452 (1981).

In the present case, the initial judgment of divorce expressly reserved jurisdiction to modify the judgment in light of future developments, and subsequent modifications did not clearly indicate an intention to terminate jurisdiction over the matter. However, the trial court's order entered after the October 1993 review, terminated alimony as of September 16, 1992, and expressly provided that the "file is to be closed and deleted," thus terminating alimony with finality, and effectively abrogating the reservation of continuing jurisdiction provided for in the initial judgment of divorce. Because the trial court terminated alimony and closed the case, the court correctly ruled that MCL 552.28; MSA 25.106 did not apply.[2]

In its denial of plaintiff's motion for reinstatement of alimony, the trial court noted that alimony was terminated because of plaintiff's defiance of the court's order not to live with a male to whom she was neither married nor related. Plaintiff apparently refuses to recognize that the trial court's authority under MCL 552.28; MSA 25.106 is broad enough to terminate alimony and to refuse to reinstate it. We find no error here.

III

Plaintiff also posits that she is entitled to reinstatement of alimony pursuant to MCR 2.612(C)(1)(f), which provides for relief from a final judgment under certain circumstances. However, plaintiff's argument regarding the court rule consists entirely of the following assertion: "At the very least, MCR 2.612(C)(1)(f) gave the trial court the authority to act if it wished. This Court should reverse and remand back to the trial court to have it decide on the merits plaintiff's petition to reinstate." Because plaintiff fails to support her position with cogent argument and relevant citations to authority, we decline to address it. See *Joerger v Gordon Food Service Inc*, 224 Mich App 167, 178; 568 NW2d 365 (1997) ("A party may not merely announce a position and leave it to the Court of Appeals to discover and rationalize the basis for the claim").

Affirmed.

/s/ Janet T. Neff
/s/ David H. Sawyer
/s/ William B. Murphy

[1] The original trial judge.

[2] Plaintiff's reliance on *Stone v Stone*, 349 Mich 162; 84 NW2d 338 (1957) is misplaced. In *Stone*, our Supreme Court terminated a party's alimony, but "without prejudice . . . to the right of the plaintiff to file a future petition to modify based upon an adequate showing of changed conditions and circumstances." *Id*. at 174. In the present case, the trial court did not reserve the issue of alimony for future reconsideration: to the contrary, the court clearly intended to wind up all obligations between the parties and close the matter.