

STATE OF MICHIGAN
COURT OF APPEALS

KERRY LYNNE WHALEN,

Plaintiff-Appellant,

v

JAMES WHALEN,

Defendant-Appellee.

UNPUBLISHED

August 4, 1998

No. 208724

Genesee Circuit Court

LC No. 92-172177 DM

AFTER REMAND

Before: Bandstra, P.J., and Griffin and Fitzgerald, JJ.

MEMORANDUM.

Previously, in *Whalen v Whalen*, unpublished opinion per curiam of the Court of Appeals, issued 5/23/97 (Docket No. 193098), this Court affirmed in part, reversed in part, and remanded to the lower court. We did not retain jurisdiction.

Thereafter, in response to plaintiff's application for leave to appeal, the Supreme Court modified our judgment in the following respect:

The Court of Appeals shall retain jurisdiction while this case is on remand to the trial court. The Court of Appeals shall direct the trial court to state concisely its assessment of the evidence and findings of fact that bear upon the issues of custody, visitation, division of marital property, alimony, and child support. The Court of Appeals shall impose appropriate time constraints on the trial court for filing the statement of its findings of fact and conclusions of law. As soon as the trial court's statement of its findings of fact and conclusions of law is received, the Court of Appeals shall proceed to decide the plaintiff's appeal from the trial judge's rulings on the issues of custody, visitation, division of marital property, alimony, and child support.

In all other respects, plaintiff's application for leave to appeal was denied.

In accordance with the Supreme Court's directive, the matter was remanded to the circuit court for findings of fact while this Court retained jurisdiction. Findings of fact after trial were thereafter filed by the circuit court on June 10, 1998.

After thorough review of the circuit court's findings of fact after trial and the plaintiff's supplemental brief, we hold that the findings of fact are not clearly erroneous, *Beason v Beason*, 435 Mich 791; 460 NW2d 207 (1990), and the dispositional rulings are fair and equitable. *Sparks v Sparks*, 440 Mich 141; 485 NW2d 893 (1992). The judgment of the lower court is therefore affirmed.

Affirmed.

/s/ Richard A. Bandstra

/s/ Richard Allen Griffin

/s/ E. Thomas Fitzgerald