

STATE OF MICHIGAN
COURT OF APPEALS

CHARLES EDWARD McCREA,

Plaintiff-Counter
Defendant-Appellant,

v

JOY MARIE McCREA,

Defendant-Counter
Plaintiff-Appellee.

UNPUBLISHED

September 25, 1998

No. 202700

Tuscola Circuit Court

LC No. 95-014389 DM

Before: Hood, P.J., and Griffin and O'Connell, JJ.

MEMORANDUM.

Plaintiff appeals by right the judgment of separate maintenance entered by the circuit court. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

At the conclusion of trial, the court issued an opinion from the bench granting a judgment of separate maintenance, and awarding defendant alimony of \$100 per week. Before the entry of a written judgment, plaintiff moved for a termination of alimony, asserting that defendant had recovered from physical injuries caused by plaintiff and was able to return to work. The court found that there was no substantial change in circumstances that would support a change in alimony, and entered a judgment of separate maintenance based on the original findings.

A trial court has the discretion to award alimony as it considers just and reasonable. MCL.552.23(1); MSA 25.103(1). This Court reviews the factual findings of the trial court for clear error. See *McDougal v McDougal*, 451 Mich 80, 87; 545 NW2d 357 (1996). Dispositional rulings will be affirmed unless the reviewing court is left with the firm conviction that they are inequitable. *Id.*

The main objective of alimony is to balance the incomes and needs of the parties in a way that will not impoverish either. *Magee v Magee*, 218 Mich App 158, 162; 553 NW2d 363 (1996). Factors for the court to consider include the length of the marriage, the parties' ability to pay, their past relations and conduct, their ages, needs, ability to work, health, fault, and all other circumstances. *Id.*

There is no showing that the award of \$100 per week in alimony is inequitable in this case. Although plaintiff's income is limited, the trial court found that defendant is unable to work. Given the totality of the circumstances, the trial court properly balanced the incomes and needs of the parties. *Magee, supra*.

The trial court's finding that defendant remained unable to work did not convert the award to permanent alimony. *Pinka v Pinka*, 206 Mich App 101, 103; 520 NW2d 371 (1994). If plaintiff can show a significant change of circumstances, the alimony award may be modified in the future. MCL 552.28; MSA 25.106.

Affirmed.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ Peter D. O'Connell