

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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DENISE TAIT,

Plaintiff/Counter-Defendant- Appellee,

v

LAWRENCE TAIT,

Defendant/Counter-Plaintiff- Appellant.

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UNPUBLISHED

April 25, 2000

No. 216837

St. Clair Circuit Court

Family Division

LC No. 98-000719-DZ

Before: Gribbs, P.J., and Doctoroff and T.L. Ludington\*, JJ.

PER CURIAM.

Defendant appeals as of right from an order amending the judgment of divorce and awarding alimony to plaintiff. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff and defendant were married in November, 1987. In February, 1998 plaintiff filed a complaint for separate maintenance. Defendant counter-claimed for divorce. In October, 1998 the trial court entered a consent judgment of divorce. The judgment contained an agreed-to property settlement, but reserved the issue of alimony. In a subsequent order, the trial court awarded plaintiff alimony in the amount of \$100 per week for a period of two years.

An award of alimony is within the discretion of the trial court. *Pelton v Pelton*, 167 Mich App 22, 27; 421 NW2d 560 (1988). An award of alimony is to be based on what is just and reasonable under the circumstances. *Maake v Maake*, 200 Mich App 184, 187; 503 NW2d 664 (1993). Factors to be considered include: (1) the past relations and conduct of the parties; (2) the length of the marriage; (3) the abilities of the parties to work; (4) the source and amount of property awarded to the parties; (5) the parties' ages; (6) the ability of the parties to pay alimony; (7) the present situation of the parties; (8) the needs of the parties; (9) the parties' health; (10) the prior standard of living of the parties and whether either is responsible for the support of others; (11) contributions of the parties to the joint

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

estate; (12) a party's fault in causing the divorce; (13) the effect of cohabitation on a party's financial status; and (14) general principles of equity. *Thames v Thames*, 191 Mich App 299, 308; 477 NW2d 496 (1991). We review a trial court's findings of fact for clear error. *Wiley v Wiley*, 214 Mich App 614, 615; 543 NW2d 64 (1995). If the trial court's findings are not clearly erroneous, we will affirm the decision as to alimony unless we are firmly convinced that it is inequitable. *Sparks v Sparks*, 440 Mich 141, 152; 485 NW2d 893 (1992).

Defendant argues that the trial court abused its discretion by awarding plaintiff alimony. We disagree and affirm. The trial court found as fact: that the parties' past relations and conduct were irrelevant, that the marriage was not of sufficient duration to warrant an award of alimony for an indefinite period, that the parties were able to work and could increase their earnings potential, that pursuant to the property settlement the marital property was to be divided approximately equally, that the parties' ages and health were not issues, and that defendant's greater earning capacity would leave him in a better financial position. Based on these findings, the trial court awarded plaintiff alimony in the amount of \$100 per week for a period of two years. Defendant does not specify how the trial court's findings are clearly erroneous. His assertion that the trial court abused its discretion by awarding alimony because plaintiff received substantial marital assets in the property settlement is without merit. The objective of an award of alimony is to balance the income and needs of the parties in a manner that will not impoverish either party. A party with a lesser earning capacity is not required to consume capital for support. *Hanaway v Hanaway*, 208 Mich App 278, 296; 527 NW2d 792 (1995). The award of alimony did not constitute an abuse of discretion. *Pelton, supra*.

Affirmed.

/s/ Roman S. Gribbs  
/s/ Martin M. Doctoroff  
/s/ Thomas L. Ludington