

STATE OF MICHIGAN
COURT OF APPEALS

CINDY N. ANDERSON,

Plaintiff-Appellee,

v

KEN ANDERSON,

Defendant-Appellant.

UNPUBLISHED

July 7, 2000

No. 213547

Oakland Circuit Court

LC No. 95-509852-DM

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

In this divorce matter, defendant appeals as of right from an amended post-judgment order that divided the net proceeds of the sale of the marital home and that awarded plaintiff an amount of alimony in gross. We affirm.

Contrary to defendant's argument, we find that the trial court did in fact address the attorney fee lien issue in its opinion and order, albeit not specifically in the context of the division of the home sale proceeds. Instead, in analyzing the equities of an award of spousal support, the court expressly recognized that (1) the amount of the attorney fee lien was \$115,000, (2) a "substantial portion of defendant's income may have been used" to pay attorney fees in the civil lawsuit, (3) neither party produced records to show the amount billed and the amount paid, (4) "defendant remains responsible" for payment of attorney fees resulting from the civil litigation, and (5) plaintiff's obligation regarding the lien had been discharged in bankruptcy. We further note that the real estate closing statement, signed by defendant, indicates that the attorney fee lien was discharged for the amount of \$50,000. Accordingly, given defendant's failure to demonstrate that the \$50,000 payment did not operate as a full discharge of the lien, and the trial court's unambiguous ruling that defendant remained liable for the payment of any attorney fees resulting from the civil litigation, we reject defendant's argument on appeal.

Affirmed. Plaintiff may tax costs pursuant to MCR 7.219.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad