

STATE OF MICHIGAN
COURT OF APPEALS

MARILYN MAE DESHANO,

Plaintiff-Counter-Defendant-
Appellee,

v

TIMOTHY DESHANO,

Defendant-Counter-Plaintiff-
Appellant.

UNPUBLISHED
February 22, 2002

No. 227197
Bay Circuit Court
LC No. 98-004195-DO

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Defendant appeals as of right the judgment of divorce entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The parties were married in January 1972, and separated in February 1988. Plaintiff filed for divorce on December 1, 1998. In awarding alimony, the trial court declined to use the separation date to determine the length of the marriage, and found that the parties were married for twenty-six years. Applying the factors identified in *Sparks v Sparks*, 440 Mich 141, 159-160; 485 NW2d 893 (1992), the court determined that equity supported an alimony award of \$400 per week until plaintiff reached age sixty-two.

On appeal, defendant argues that the trial court erred in finding that the marriage lasted twenty-six years in computing the alimony award. An award of alimony is authorized by MCL 552.23(1), and is granted at the discretion of the trial court. *Sparks v Sparks*, 440 Mich 141, 150-152; 485 NW2d 893 (1992). Factors to be considered in dividing the marital estate are the duration of the marriage, the contribution of each party to the marital estate, each party's station in life, each party's earning ability, each party's age, health, needs, fault or past misconduct, and any other equitable circumstance. *Id.*, 158-160. The same principles apply in determining whether to award alimony. *Hanaway v Hanaway*, 208 Mich App 278, 295; 527 NW2d 792 (1995).

The goal of the court when apportioning a marital estate is to reach an equitable division in light of all the circumstances. *Byington v Byington*, 224 Mich App 103, 114; 568 NW2d 141 (1997). For the purposes of dividing property, marital assets are typically valued at the time of trial or at the time judgment is entered, although the court may, in its discretion, use a different

date. *Id.*, 114, n 4. There is no support for the proposition that events short of death or the entry of the judgment of divorce may abbreviate the existence of the marital estate. *Id.*, 113.

The trial court did not abuse its discretion in determining the length of the marriage based on the time of filing for divorce, rather than the time of separation. The alimony award was not inequitable.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Donald S. Owens