

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

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KAREN MARIE SCHIEDING,  
  
Plaintiff-Appellee,

UNPUBLISHED  
May 19, 2011

v

JOHN PAUL SCHIEDING,  
  
Defendant-Appellant.

No. 295667  
Mackinac Circuit Court  
LC No. 2009-006652-DM

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Before: RONAYNE KRAUSE, P.J., and SERVITTO and GLEICHER, JJ.

PER CURIAM.

Defendant appeals as of right from the judgment of divorce which awarded the marital home to plaintiff. Because the award of the marital home to plaintiff was not inequitable, we affirm.

The parties were married in 1991 and had two minor children, one born in 1992 and one born in 1996. Plaintiff filed for divorce in January 2009. At the bench trial, the principal points of dispute included disposition of the marital home and custody of the children. The trial court awarded the parties joint physical and legal custody of the children; that decision is not challenged on appeal. The marital home, which included 19 acres and some outbuildings, was appraised at \$150,000. Defendant was a contractor and he used the outbuildings and grounds to store his tools and work equipment. At the time of trial and even beyond, defendant and plaintiff continued to reside together in the marital home until the trial court ordered defendant to vacate the home by January 30, 2010. There was also a second home on a lot in town, owned by defendant's construction company, that defendant intended to fix up and rent or sell.

The trial court awarded plaintiff the marital home and ordered her to pay defendant \$13,878.91; defendant was awarded the construction company and all its assets, including the second home. The court concluded that plaintiff should get the marital home because she was against the purchase of the second home and because defendant had a greater ability to continue remodeling the second home. The trial court found that defendant's allegation that plaintiff could not afford the home was unfounded. Finally, the trial court found that the construction materials and equipment that defendant had at the marital home could "rather easily be stored or relocated to [second] home."

On appeal, defendant argues that the trial court failed to consider the fact that the marital home has special significance to defendant because the home doubled as a work station. He used

the property to store equipment and building supplies, and if he were forced to vacate the premises, he would have to transfer property in and out of storage for every job. To do so would entail significant expense and inconvenience. In contrast, plaintiff could move to the second home with negligible expense and inconvenience. Thus, according to him, the only equitable solution is for defendant to be awarded the marital home. We disagree.

We review the trial court's findings of fact in a divorce action under the clearly erroneous standard. MCR 2.613(C); *Stoudemire v Stoudemire*, 248 Mich App 325, 336-337; 639 NW2d 274 (2001). Findings of fact are deemed clearly erroneous where we are left with a definite and firm conviction that a mistake has been made. *Hertz Corp v Volvo Truck Corp*, 210 Mich App 243, 246; 533 NW2d 15 (1995). We affirm a dispositional ruling, however, unless we are left with the firm conviction that it was inequitable. *Sparks v Sparks*, 440 Mich 141, 152; 485 NW2d 893 (1992).

The facts of the present case do not leave us with the firm conviction that the trial court's award of the home to plaintiff was inequitable. While it is true that in *Gottschalk v Gottschalk*, 107 Mich App 716, 718; 309 NW2d 711 (1981), this Court has found the psychological significance of a home to be "an important factor," defendant does not point to testimony that the home had psychological significance to him, other than the fact that he had spent effort and money in making it "a decent domicile" for his children. Defendant's argument is that it would be inconvenient and expensive for him to move his property, but the trial court found as a matter of fact that could be done "easily." Indeed, a review of the photographs plaintiff provided as trial exhibits reveals that almost everything shown is easily portable—tools, doors, cabinets, a box of siding, a shower stall, a cement mixer—and defendant provided no other evidence of what had to be moved.

Moreover, plaintiff's brother lived next door to the marital home, and would be available to help plaintiff with upkeep of the home; plaintiff's sister lived a few hundred yards away. The couple's children had a close relationship with plaintiff's sister's children. And, the home on the lot was purchased during the marriage, but plaintiff had been against that decision. Defendant testified that the second home was "very near" the point of being marketable, but plaintiff stated the last time she had seen the home, it was not ready for her and the children to occupy. Given all of the above, the decision to award the marital home to plaintiff cannot be said to be inequitable.

Affirmed.

/s/ Amy Ronayne Krause

/s/ Deborah A. Servitto

/s/ Elizabeth L. Gleicher