

STATE OF MICHIGAN
COURT OF APPEALS

RODNEY D. FRENCH,

Plaintiff/Counter-Defendant-
Appellant,

v

DIANA L. FRENCH,

Defendant/Counter-Plaintiff-
Appellee.

UNPUBLISHED
September 20, 2011

No. 299253
Kalamazoo Circuit Court
LC No. 2008-006807-DO

Before: O'CONNELL, P.J., and METER and BECKERING, JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's judgment of divorce, in which the court granted spousal support to defendant, ordered plaintiff to pay defendant for equity in a fire protection business, and ordered plaintiff to pay defendant's attorney fees. We affirm.

Plaintiff first contends that the trial court erred when it awarded defendant \$50,000 in spousal support, payable in monthly installments for five years. We review the trial court's findings of fact for clear error. *Gates v Gates*, 256 Mich App 420, 432; 664 NW2d 231 (2003). A finding of fact is clearly erroneous if we are left with a definite and firm conviction that a mistake has been made. *Id.* at 432-433. If a trial court's findings of fact are not clearly erroneous, we must determine whether the trial court's "dispositional ruling was fair and equitable in light of the facts. *Id.* at 433. We will affirm a trial court's award of spousal support unless we are firmly convinced that the award was inequitable. *Id.* We give special deference to the trial court's findings with regard to credibility of witnesses. *Woodington v Shokoohi*, 288 Mich App 352, 355; 792 NW2d 63 (2010).

Plaintiff argues that the trial court erred by failing to make findings of fact regarding the parties' income, defendant's ability to work, and the value of the North Carolina home. Plaintiff further argues that the court erred by making a finding concerning plaintiff's alleged vacation expenditures. We find no error. The trial court specifically found that plaintiff's testimony on several matters was not credible. The court indicated that plaintiff was evasive in response to questions, and that plaintiff was not forthcoming about his true income. Moreover, the record supports the court's findings that defendant was essentially impoverished, was unemployed, and was attempting to recover from cancer and from injuries she sustained in an automobile accident.

Furthermore, the record demonstrated that defendant would likely lose the real property that the trial court awarded her to foreclosure. In contrast, the record indicated plaintiff was healthy and employed, and that defendant had assisted plaintiff in retaining his home and the fire protection business. Based upon these facts and upon the trial court's assessment of plaintiff's credibility, plaintiff's challenges to the trial court's findings are immaterial.

Having found no error in the trial court's factual findings, we must consider whether the dispositional ruling was fair and equitable. *Gates*, 256 Mich App at 433. When deciding whether to award spousal support, courts generally consider the following factors: (1) the past conduct and relations of the parties; (2) the duration of the marriage; (3) the parties' ability to work; (4) the source and amount of property awarded to the parties; (5) the ages of the parties; (6) the parties' ability to pay alimony; (7) the present situation of the parties; (8) the parties' needs; (9) the parties' health; (10) the parties' prior standard of living and whether one supported the other; (11) fault for the divorce; (12) contributions of the parties to the joint estate; (13) the effect of cohabitation on a party's financial status; and (14) general principles of equity. *Berger v Berger*, 277 Mich App 700, 726-727; 747 NW2d 336 (2008).

We reject plaintiff's argument that the trial court abused its discretion by failing to consider two of the 14 factors: the contributions of the parties to the joint estate and the parties' fault in causing the divorce. The trial court considered 11 of the 14 factors. A trial court's failure to specifically state its findings as to each factor does not necessarily require reversal if we would reach the same result as the trial court after reviewing the record. See *Fletcher v Fletcher*, 447 Mich 871, 883; 526 NW2d 889 (1994) (decision may be upheld if trial court's findings "minimally satisfy" the requirements); cf. *Lee v Lee*, 191 Mich App 73, 80; 477 NW2d 429 (1991) (reversing trial court for review indicates a different result). Having reviewed the record and considered all the factors, we conclude that the trial court's decision to award defendant spousal support was equitable.

Plaintiff appears to argue that the trial court improperly awarded defendant alimony in gross. Plaintiff provides no citation for this argument. Moreover, given our conclusion that the award was equitable, we need not address whether the award should have been periodic spousal support as opposed to alimony in gross.

Plaintiff next argues that the trial court clearly erred when it ordered plaintiff to pay defendant for her equity in the fire protection business. We find no error in the trial court's factual findings regarding the business. To the extent plaintiff is attempting to assert that the trial court made an error of law, plaintiff provides no legal authority to support his argument. Accordingly, we decline to address the argument. See *McIntosh v McIntosh*, 282 Mich App 471, 485; 768 NW2d 325 (2009).

Plaintiff's final argument is that the trial court abused its discretion when it awarded defendant attorney fees in lieu of the value of defendant's resale business inventory, which plaintiff sold at an auction. This Court reviews a trial court's decision to award attorney fees for an abuse of discretion. *Gates*, 256 Mich App at 437-438. A trial court abuses its discretion when it reaches a decision that falls outside the range of reasonable and principled outcomes. *Smith v Smith*, 278 Mich App 198, 207; 748 NW2d 258 (2008). "Any findings of fact on which

the trial court bases an award of attorney fees are reviewed for clear error” *Reed v Reed*, 265 Mich App 131, 164; 693 NW2d 825 (2005).

We need not determine whether a valuation error occurred. Even if the trial court erred by considering the inventory as part of the marital estate, the court’s decision to order plaintiff to pay defendant’s attorney fees was still within the range of reasonable and principled outcomes. The trial court specifically stated that it awarded attorney fees because defendant could not afford to pay them. Under MCL 552.13(1), a court may require a party in an action for divorce to “pay any sums necessary to enable the adverse party to carry on or defend the action, during its pendency.” See also *Hawkins v Murphy*, 222 Mich App 664, 669; 565 NW2d 674 (1997) (“An award of legal fees in a divorce action is authorized when it is necessary to enable the party to carry on or defend the suit.”). Here, the evidence at trial supported the trial court’s finding regarding the parties’ ability to pay attorney fees. A trial court need not require a party to use the party’s support award to pay attorney fees. *Gates*, 256 Mich App at 438.¹

Affirmed.

/s/ Peter D. O’Connell
/s/ Patrick M. Meter
/s/ Jane M. Beckering

¹ Plaintiff asserts that defendant “abandoned” her right to attorney fees because defense counsel did not comply with the trial court’s order to submit an affidavit detailing the amount of attorney fees. Plaintiff offers no authority to support this argument. Therefore, we decline address it. *McIntosh*, 282 Mich App at 485.