

*This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-1313**

In re the Marriage of:  
Michelle E. Li-Kuehne, petitioner,  
Appellant,

vs.

Stephen E. Kuehne,  
Respondent.

**Filed May 23, 2011  
Affirmed  
Klaphake, Judge**

Stearns County District Court  
File No. F9-01-2106

Edward L. Winer, James J. Vedder, Moss & Barnett, P.A., Minneapolis, Minnesota (for appellant)

Russell R. Cherne, Pennington Lies & Cherne, P.A., St. Cloud, Minnesota (for respondent)

Considered and decided by Klaphake, Presiding Judge; Toussaint, Judge; and Connolly, Judge.

**UNPUBLISHED OPINION**

**KLAPHAKE**, Judge

In this spousal maintenance dispute, appellant Michelle E. Li-Kuehne argues that the district court abused its discretion by awarding her \$6,000 per month in permanent maintenance, claiming that this amount was not commensurate with the standard of living

established during her 15-year marriage to respondent Stephen E. Kuehne. The parties' marriage was dissolved in 2002, and in the original decree the parties agreed to a de novo review of the issue of spousal maintenance in 2009. Because the district court considered all of the required statutory factors in its review of the maintenance issue and because its ultimate decision did not constitute an abuse of discretion, we affirm.

## D E C I S I O N

In setting spousal maintenance, the district court must consider the statutory factors set forth in Minn. Stat. § 518.552, subds. 1-3 (2008). The district court's decision on the amount and duration of spousal maintenance is discretionary. *Erlandson v. Erlandson*, 318 N.W.2d 36, 38 (Minn. 1982); *see Maiers v. Maiers*, 775 N.W.2d 666, 668 (Minn. App. 2009) (stating that the duration and amount of spousal maintenance should be "as the Court deems just"). A district court abuses its discretion by resolving a maintenance issue in a manner that is "against logic and the facts on the record." *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). On review, we must view the "evidence in the light most favorable to the trial court's findings." *Vangsness v. Vangsness*, 607 N.W.2d 468, 474 (Minn. App. 2000). The supreme court has noted that in matters involving maintenance, each "proceeding is unique and centers upon the individualized facts and circumstances of the parties and that, accordingly, it is unwise to view any marital dissolution decision as enunciating an immutable rule of law applicable in any other proceeding." *Dobrin v. Dobrin*, 569 N.W.2d 199, 201 (Minn. 1997).

A district court may award maintenance if it finds that the spouse seeking maintenance "lacks sufficient property, including marital property apportioned to the

spouse, to provide for reasonable needs of the spouse considering the standard of living established during the marriage, especially but not limited to, a period of training or education.” Minn. Stat. § 518.552, subd. 1(a). “The purpose of a maintenance award is to allow the recipient and the obligor to have a standard of living that approximates the marital standard of living, as closely as is equitable under the circumstances.” *Peterka v. Peterka*, 675 N.W.2d 353, 358 (Minn. App. 2004); *see Melius v. Melius*, 765 N.W.2d 411, 416 (Minn. App. 2009) (quoting *Peterka* with approval); *see also* Minn. Stat. § 518.552, subd. 2(c) (stating that a party’s reasonable needs for maintenance purposes are measured by the marital standard of living). A maintenance obligee is not entitled to a maintenance amount that reflects “the bare necessities of life[;] [r]ather, the obligee can expect a sum that will keep with the circumstances and living standards of the parties at the time of the divorce.” *Lee v. Lee*, 775 N.W.2d 631, 642 (Minn. 2009) (quotations omitted). Further, if the couple’s marital standard of living is affluent, that affluence may be reflected in the maintenance obligee’s “reasonable” expenses. *Chamberlain v. Chamberlain*, 615 N.W.2d 405, 412 (Minn. App. 2000) (stating that “the long-standing affluent lifestyle of the parties” was an appropriate factor for the district court to consider in determining maintenance, even when the prospective maintenance obligee received a substantial property award, was employed throughout the marriage, and needed no further education), *review denied* (Minn. Oct. 25, 2000).

In the 2009 decree, the district court rejected appellant’s request to be awarded maintenance in an amount that respondent asserts is excessive and considers only the standard of living established during the parties’ marriage. Rather, as noted by

respondent, the essential determination in setting an amount of maintenance is made by balancing one party's needs with the other party's ability to pay maintenance, with reference to the standard of living established during the marriage. *See Prahl v. Prahl*, 627 N.W.2d 698, 702 (Minn. App. 2001); *see* Minn. Stat. § 518.552, subd. 1(a).

Here, although the parties agree that appellant's net monthly income is \$6,423, they dispute the amount of her reasonable monthly expenses. Appellant claimed June 2007 through May 2008 monthly expenses of \$15,800, which the district court partially rejected as "somewhat" inflated due to appellant's \$19,081 overstatement of her 2008 income taxes, and her improper inclusion of a one-time \$1,429 expense for a washer and dryer purchase, \$708 for annual medical/dental expenses that were reimbursed by respondent at a rate of \$59/month, and a one-time payment of \$4,500 for appellate attorney fees. Subtracting these amounts on a prorated monthly basis from appellant's claimed June 2007 through May 2008 expenses, appellant's actual monthly expenses would be \$14,451.96.

The district court also reduced appellant's claimed monthly expenses of \$18,319 per month from June 2008 through May 2009, for various reasons. First, the district court reduced the claimed annual total of appellant's expenses by \$24,413.89 because the court concluded that this amount had also been included as an April 2008 expense. While the parties do not challenge the district court's findings supporting its maintenance award, examination of the pertinent exhibit shows that appellant's claimed expenses included only those from June 2008 through May 2009, and that the district court apparently made a clerical error by including the April 2008 expense. Second, the district

court also deducted a one-time expense of \$13,750 for home improvements, medical/dental expenses of \$140/month that had already been reimbursed by respondent, a one-time \$3,000 expert witness fee, \$13,400 for cash paid for a new vehicle, and an adjustment for overpaid income taxes.<sup>1</sup> Subtracting these reductions on a prorated monthly basis from appellant's claimed June 2008 through May 2009 expenses, appellant's actual monthly expenses were \$14,871.46. An average of appellant's two most recent years of actual expenses amounts to \$14,661.71.

Appellant has not challenged the district court's findings relative to the exhibits that formed the basis for the district court's decision on appellant's monthly expenses. However, during oral arguments before this court, appellant acknowledged that the district court's calculations did not include a roughly \$1,800 per month reduction in appellant's income taxes that would occur because of the reduction in the amount of maintenance she received under the original decree. Thus, appellant's reasonable needs are approximately \$12,700. When appellant's income of \$6,423 is subtracted from her expenses of just over \$12,700, the \$6,000 she will receive in maintenance is an adequate amount, giving consideration to the fact that a district court's setting of a maintenance figure is not a simple mathematical computation, but a reflection of its consideration of all statutory factors required under Minn. Stat. § 518.552. Given the district court's

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<sup>1</sup> While not specifically noted by the district court, in setting maintenance in its 2009 amended decree, one of the parties' children became emancipated on May 15, 2010. Appellant's original expenses, which also included the children's expenses, were thereby reduced because of the emancipation, as was the amount of child support received by appellant. This issue is not sufficiently developed in the record for this court to conclude that it affected the district court's maintenance determination.

broad discretion in determining the amount of maintenance, we affirm the district court's award of \$6,000 per month maintenance in this case. *See Erlandson*, 318 N.W.2d at 38.

**Affirmed.**