

STATE OF MICHIGAN
COURT OF APPEALS

KENNETH TAYLOR,

Plaintiff-Appellant,

v

DEBORA TAYLOR,

Defendant-Appellee.

UNPUBLISHED

October 6, 2009

No. 283924

Livingston Circuit Court

LC No. 07-003548-DO

Before: Jansen, P.J., and Fort Hood and Gleicher, JJ.

PER CURIAM.

Plaintiff appeals by right the provisions of the circuit court's judgment of divorce awarding defendant monthly spousal support of \$1,200 and awarding plaintiff two properties encumbered by a significant amount of debt. We affirm.

We review the circuit court's findings of fact related to an award of spousal support for clear error. *Moore v Moore*, 242 Mich App 652, 654; 619 NW2d 723 (2000). "A finding is clearly erroneous if the appellate court is left with a definite and firm conviction that a mistake has been made." *Id.* If the court's factual findings are not clearly erroneous, we must then decide whether the dispositional¹ ruling was fair and equitable in light of the facts. *Berger v Berger*, 277 Mich App 700, 727; 747 NW2d 336 (2008). The circuit court's dispositional ruling "must be affirmed unless the appellate court is firmly convinced that it was inequitable." *Id.*

The circuit court has discretion to grant spousal support that the "court considers just and reasonable, after considering the ability of either party to pay and the character and situation of the parties, and all the other circumstances of the case." *Korth v Korth*, 256 Mich App 286, 288; 662 NW2d 111 (2003), quoting MCL 552.23. The primary purpose of spousal support is to "balance the incomes and needs of the parties in a way that will not impoverish either party," and spousal support should be based on what is "just and reasonable under the circumstances of the case." *Moore*, 242 Mich App at 654. The circuit court should take into account certain relevant factors when deciding whether to award spousal support, *Olson v Olson*, 256 Mich App 619,

¹ "Dispositional rulings include whether and how much alimony to award." *Korth v Korth*, 256 Mich App 286, 288 n 3; 662 NW2d 111 (2003).

631; 671 NW2d 64 (2003), and “should make specific factual findings regarding the factors that are relevant to the particular case.” *Korth*, 256 Mich App at 289.

In this case, although the circuit court provided only a cursory review of the relevant spousal support factors as set forth in *Olson*, we can readily ascertain that the alimony award was fair and equitable. *Berger*, 277 Mich App at 727. Moreover, we cannot say that we would have reached a different result on the facts of this case. *Lee v Lee*, 191 Mich App 73, 80; 477 NW2d 429 (1991) (noting that the court’s failure to specifically state its findings on each factor does not require reversal “where our review of the record indicates that we would not have reached a different result”). The circuit court found that both parties were responsible for creating the substantial amount of debt accumulated during the marriage, but it noted that defendant was left with the responsibility of repaying the debt associated with the down payments on certain investment properties in Florida. Evidence showed that when defendant’s liabilities in relation to the marital debt were taken into account, her total monthly expenses amounted to \$2,314. By requiring plaintiff to pay \$1,200 in monthly spousal support, based on the actual incomes of the parties, the parties’ incomes were equalized. This provided the necessary funds to pay the jointly accumulated debt. Plaintiff admitted that he earned \$4,048 a month. Defendant made \$2,048 a month, and received \$800 in past child support, for a total of \$2,848 per month. Subtracting that amount from \$4,048, the \$1,200 figure was reached. Plaintiff’s income was reduced to defendant’s income and \$1,200 was essentially provided to pay back debt. The circuit court balanced the incomes and needs of the parties in such a way that neither party would be impoverished, and it did so based on what was just and reasonable under the circumstances of the case. *Moore*, 242 Mich App at 654. We find no error.

Plaintiff also contends that the circuit court’s division of the marital property was inequitable. However, plaintiff has abandoned this issue by failing to provide any meaningful discussion in his brief on appeal. Accordingly, we would ordinarily decline to address this issue further. See *Lentz v Lentz*, 271 Mich App 465, 478 n 7; 721 NW2d 861 (2006) (observing that “[a]n appellant may not merely announce a position or assert an error and leave it to this Court to discover and rationalize the basis for its claims, unravel or elaborate its argument or search for authority for its position”). Nonetheless, we note that the circuit court’s division of property was fair and equitable given the circumstances of this case. In particular, we note that the evidence indicated that plaintiff’s impending bankruptcy would leave him without any liabilities regarding the encumbered properties. We perceive no error requiring reversal in the circuit court’s division of the property.

Affirmed.

/s/ Kathleen Jansen
/s/ Karen M. Fort Hood
/s/ Elizabeth L. Gleicher