

STATE OF MICHIGAN
COURT OF APPEALS

HOBERT L. HARRIS,

Plaintiff–Appellant,

v

ALICE F. HARRIS,

Defendant–Appellee.

UNPUBLISHED

July 2, 1996

No. 177436

LC No. 92-019534

Before: O’Connell, P.J., and Gribbs and T. P. Pickard,* JJ.

PER CURIAM.

Plaintiff appeals as of right from the judgment of divorce entered on July 13, 1994. We affirm.

Plaintiff first claims that the trial court’s property division was inequitable because the court over relied upon perceived fault, and improperly considered defendant’s desire to remain married when dividing the assets. We disagree.

“In reviewing a dispositional ruling in a divorce case, we first review the trial court’s findings of fact for clear error and then decide whether the dispositional ruling was fair and equitable in light of the facts. Property disposition rulings will be affirmed unless we are left with a firm and definite conviction that the distribution was inequitable.” *Hanaway v Hanaway*, 208 Mich App 278, 292; 527 NW2d 792 (1995).

After reviewing the trial court’s findings of fact for clear error, we believe that the court’s distribution of marital assets was equitable in light of the facts. A trial court’s division of property in a divorce action is not governed by any set rules; however, certain principles apply, nonetheless, where various equitable factors are to be considered. *Hanaway, supra*, p 292. These factors include the source of the property; the parties’ contributions toward its acquisition, as well as to the general marital estate; the duration of the marriage; the needs and circumstances of the parties; their ages, health, life status, and earning abilities; the cause of the divorce, as well as past relations and conduct between the parties; and general principles of equity. *Id.* A review of the trial court’s findings of fact indicates that it

* Circuit judge, sitting on the Court of Appeals by assignment.

properly considered factors attendant to property distribution in a divorce action and detailed its findings on each factor. Where the facts of the case support the trial court's findings, we find that the dispositional ruling was fair and equitable.

Plaintiff next claims that the award of alimony was excessive. We disagree.

A trial court's factual findings relating to the award of alimony are reviewed for clear error. *Mitchell v Mitchell*, 198 Mich App 393, 396; 499 NW2d 386 (1993). If the trial court's findings are not clearly erroneous, we must then decide whether the dispositional ruling was fair and equitable in light of the facts. *Mitchell, supra*. A trial court may award alimony in a divorce case as it considers just and reasonable, after considering the ability of either party to pay, the character and situation of the parties, and all other circumstances in the case. MCL 552.23; MSA 25.103; *Demman v Demman*, 195 Mich App 109, 110; 489 NW2d 161 (1992). Several factors should be considered by the trial court in making its determination, including, but not limited to, the past relations and conduct of the parties, the length of the marriage, the ability of the parties to work, as well as their ages, needs, health, and general principles of equity. *Demman, supra*. In addition, a party's fault in causing the divorce is a valid consideration. *Demman, supra*.

Plaintiff admits that an award of alimony was appropriate here in light of the trial court's findings of fact concerning the parties' ages, health, conduct and abilities to work. However, plaintiff challenges the amount of the award claiming that it was excessive, failed to take into consideration the needs of the parties, and was unduly influenced by the issue of fault.

We disagree with plaintiff's contention where a review of the trial court's findings of fact indicates that it considered the parties' poor credit rating, current debts, lifestyle, and the apportioned fault. We do not believe that the court gave disproportionate weight to the fault factor, nor did it arbitrarily arrive at the amount of alimony awarded. Under these facts, we are not left with a firm conviction that a mistake has been made.

Plaintiff next claims that the trial court erred in awarding defendant health care costs because no evidence was produced at trial to support such an award. Plaintiff failed to support this argument with any authority. Therefore, we will not consider it. *Ramsey v Michigan Underground Storage Tank Financial Assurance Policy Board*, 210 Mich App 267, 271; 533 NW2d 4 (1995). This Court will not search for authority to sustain or reject a party's position. *Id.*

Finally, plaintiff claims that the case should be reassigned to a different judge on remand because the original judge was clearly disproportionately influenced by perceived fault. Because

we find the trial court's dispositional awards to be fair and equitable, we need not consider plaintiff's claim on this issue.

Affirmed.

/s/ Peter D. O'Connell

/s/ Roman S. Gibbs

/s/ Timothy P. Pickard