

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

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MARY S. BAZAN,

Plaintiff-Appellee,

v

WILLIS E. BAZAN,

Defendant-Appellant.

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UNPUBLISHED

October 8, 1996

No. 181809

LC No. 92-14634-DM

Before: Gribbs, P.J., and Young and W. J. Caprathe,\* JJ.

MEMORANDUM.

Defendant appeals the division of marital assets in the parties' judgment of divorce. We remand for further proceedings.

In its bench opinion, the trial court stated several times its intent to "equalize" the parties' assets. After distributing the parties' property and assigning the marital debt, the trial court stated,

At that point I would assume that [defendant] would have basically \$16,000 of excess pension. [Plaintiff] has \$8900 by my computation. In order to equalize that the Court will give her a one-quarter interest in the pension to be paid by a QDRO.

Although defendant's portion of the pension, after "offsetting" the marital debt, was approximately \$16,000, the value of the pension was approximately \$31,823. After the trial court's award of one-quarter of defendant's pension, plaintiff's share of the marital estate would be more than \$8,000 greater than defendant's.

Because this result is in apparent conflict with the trial court's stated intent to divide the marital property equally, we remand for further proceedings. On remand, the trial court may either articulate more specifically its intent to award the marital property as it did, or may modify its judgment.

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

Remanded. We do not retain jurisdiction.

/s/ Roman S. Gibbs  
/s/ Robert P. Young, Jr.  
/s/ William J. Caprathe