

STATE OF MICHIGAN
COURT OF APPEALS

DIANNE CRISTINA BURNARD,

UNPUBLISHED
May 9, 1997

Plaintiff-Appellant,

v

No. 189862
Oakland Circuit Court
LC No. 95-491249-DO

GEORGE W. BURNARD,

Defendant-Appellee.

Before: Young, P.J., and Gribbs and S.J. Latreille,* JJ.

PER CURIAM.

Plaintiff appeals the trial court's judgment of divorce. We affirm.

Plaintiff contends that reversal is required because the trial court failed to make specific findings of fact and conclusions of law in this divorce action. In this case, however, the trial court adopted the factual findings in the mediator's report, which included findings regarding the parties' circumstances, their age, respective fault or misconduct, the duration of the marriage, the contribution of each party to the marital estate and each party's earning potential. In addition, the trial court expanded its findings to the extent requested by plaintiff's counsel at the hearing on the motion for entry of the judgment. The trial court's findings were sufficient and were not clearly erroneous. . *Beason v Beason*, 435 Mich 791, 805; 460 NW2d 207 (1990).

Plaintiff also argues that reversal is required because the trial court adopted the mediation report without the consent of the parties in violation of MCR 3.216(I). We find this issue to be meritless. Because plaintiff did not object below to the trial court's use of the mediation report, plaintiff failed to preserve this issue for our review. Further, in plaintiff's proposed findings of fact and conclusions of law, plaintiff indicated that plaintiff's counsel discussed the mediation report with the trial court and that plaintiff found the mediation recommendation acceptable except for the alimony provision. In light of plaintiff's private discussions with the trial court and the failure to voice any objection to consideration of the report, the trial court did not err in relying on plaintiff's implicit consent. Nor are we convinced that

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

the trial court's division in this case was inequitable. *Sands v Sands*, 442 Mich 30, 34; 497 NW2d 493 (1993);

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Roman S. Gibbs

/s/ Stanley J. Latreille