

STATE OF MICHIGAN
COURT OF APPEALS

FRANCIS DEWEL WOOD,

Plaintiff-Appellant,

v

DIANN YVETTE WOOD,

Defendant-Appellee.

UNPUBLISHED

September 12, 1997

No. 196676

Wayne Circuit Court

LC No. 95-536626-DO

Before: Markman, P.J., and McDonald and Fitzgerald, JJ.

PER CURIAM.

Plaintiff appeals as of right a judgment of divorce, arguing that the trial court's findings of fact were clearly erroneous and that the trial court's division of the marital property was not fair and equitable. We affirm.

Plaintiff first argues that the trial court erred in failing to find defendant at fault for the breakup of the marriage. Contrary to plaintiff's claims, defendant refuted plaintiff's accusations with her denial while testifying under oath. Both parties alleged infidelity, but neither party presented concrete proof. Therefore, the trial court's finding that neither party proved fault was not clearly erroneous. *Sparks v Sparks*, 44 Mich 141, 151-152; 485 NW2d 893 (1992).

Next, plaintiff argues that the trial court did not properly value defendant's earnings and assets. We disagree. First, the \$8,000 deducted from defendant's pay in 1995 was included in her gross pay, and therefore the trial court properly determined that defendant earned \$31,000 in 1995. Although the trial court used rounded numbers throughout the judgment, sometimes those rounded numbers were in plaintiff's favor. Therefore, although the values given to each asset were not accurate to the cent, they were not clearly erroneous. Second, the record supports the trial court's finding that the parties shared expenses. Third, plaintiff cites no authority for his argument that the trial court erred in ruling that plaintiff had to put \$5,000 back into his retirement account in order to determine defendant's share of the pension benefits. We therefore decline to consider this argument. *Sargent v Browning-Ferris Industries*, 167 Mich App 29, 32-33; 421 NW2d 563 (1988); MCR 7.212(C)(7). Fourth, the trial

record does not establish the existence of \$3,000 worth of savings bonds. Thus, the trial court's failure to include the bonds in the estate was not clearly erroneous.

Lastly, plaintiff argues that the trial court's division of the marital property was not fair and equitable. In this case, each party left the marriage with what they brought into it. The only property that was divided was the property acquired during the marriage. The trial court divided the marital property by a 50/50 split. We are not left with a firm conviction that such a division was unfair or inequitable. *Knowles v Knowles*, 185 Mich App 497, 501; 462 NW2d 777 (1990).

Affirmed

/s/ Stephen J. Markman

/s/ Gary R. McDonald

/s/ E. Thomas Fitzgerald