

STATE OF MICHIGAN  
COURT OF APPEALS

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JOYCE D. CNOSSEN,

Plaintiff-Appellee,

v

CORNELIUS J. CNOSSEN, JR.,

Defendant-Appellant.

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UNPUBLISHED

April 6, 1999

No. 204383

Kent Circuit Court

LC No. 95-001012 DO

Before: Whitbeck, P.J., and Cavanagh and Griffin, JJ.

PER CURIAM.

In this divorce case, defendant appeals as of right from the trial court's award of alimony to plaintiff. We affirm.

A divorce court has the discretion to award alimony as it considers just and reasonable. MCL 552.23; MSA 25.103; *Magee v Magee*, 218 Mich App 158, 162; 553 NW2d 363 (1996). Relevant factors for the court to consider include the length of the marriage; the parties' ability to pay; their past relations and conduct; their ages, needs, ability to work, health, and fault, if any; and all other circumstances of the case. The main objective of alimony is to balance the incomes and needs of the parties in a way that will not impoverish either party. *Id.*

This Court reviews the trial court's findings of fact for clear error. A finding is clearly erroneous if the appellate court is left with a definite and firm conviction that a mistake was made. If the trial court's findings are not clearly erroneous, the appellate court must then decide whether a dispositional ruling was fair and equitable in light of those facts. Dispositional rulings should be affirmed unless this Court is left with the firm conviction that the distribution was inequitable. *Sparks v Sparks*, 440 Mich 141, 151-152; 485 NW2d 893 (1992)

Defendant does not challenge the trial court's factual findings. Therefore, the only question before us is whether the court's dispositional ruling concerning the award of alimony was inequitable. See *id.* at 152.

Defendant contends that the trial court did not accord sufficient weight to the income-producing assets awarded to plaintiff in determining whether plaintiff was entitled to alimony. Defendant also asserts that the amount of alimony awarded to plaintiff is too high because it greatly exceeds her needs. We disagree.

The trial court specifically stated that it had considered the value of the income-producing assets awarded to plaintiff. The trial court also considered, however, the length of the parties' marriage, the health and ages of the parties, the great disparity in their earning abilities, defendant's ability to pay, and the "high standard of living" the parties had enjoyed during their marriage.<sup>1</sup> Moreover, in determining its award of alimony, the trial court deliberately underestimated defendant's income.<sup>2</sup> We are not left with the firm conviction that the trial court's award was inequitable in light of the facts. See *Sparks, supra*.

Finally, defendant contends that the award of permanent alimony is unfair because there is no guarantee that the alimony would be reduced when he retires. However, the trial court explicitly stated that the alimony award was open to future review if defendant retired and his income significantly changed. Under the circumstances, we find no abuse of discretion. See *Magee, supra*.

Affirmed.

/s/ William C. Whitbeck

/s/ Mark J. Cavanagh

/s/ Richard Allen Griffin

<sup>1</sup> In determining whether to grant alimony, a trial court may consider the affluence of the parties' lifestyle during the marriage. See *Hanaway v Hanaway*, 208 Mich App 278, 296; 527 NW2d 792 (1995).

<sup>2</sup> In 1994, defendant's adjusted gross income was \$847,009; in 1995, it was \$803,000; and in 1996 it was \$635,391. However, in setting the amount of alimony, the trial court assumed an annual income of approximately \$374,000.