

STATE OF MICHIGAN
COURT OF APPEALS

RICHARD RAYMOND BENN,
Plaintiff-Appellee,

v

SALLY ELAINE BENN,
Defendant-Appellant.

UNPUBLISHED
April 12, 2007

No. 265480
Jackson Circuit Court
LC No. 05-000334-DO

Before: Smolenski, P.J., and Saad and Wilder, JJ.

WILDER, J. (*dissenting in part*).

I respectfully dissent from that part of the majority opinion that affirms the trial court's order denying spousal support. While the trial court did not clearly err in concluding that the defendant was able to support herself *currently*, the record is undisputed that defendant has two chronic diseases, one of which is progressive in nature, and the other which could be progressive. Given that this was a 29-year marriage, I would conclude that it was inconsistent with equity and therefore error for the trial court to fail to reserve the question of spousal support, should the health and needs of the defendant change in the future. In all other respects, I join with the majority opinion.

/s/ Kurtis T. Wilder