

STATE OF MICHIGAN
COURT OF APPEALS

KENNETH CZAR,

Plaintiff-Appellee,

v

RHONDA DENELLE CZAR,

Defendant-Appellant.

UNPUBLISHED
October 18, 1996

No. 181987
LC No. 93-466795

Before: Smolenski, P.J., and Holbrook, Jr., and F. D. Brouillette,* JJ.

PER CURIAM.

Defendant appeals as of right from a judgment of divorce entered by the circuit court which disposed of marital property, awarded custody of the parties' minor children to defendant, and awarded alimony to defendant. We affirm.

On appeal, defendant argues that the trial court clearly erred in finding that she was primarily responsible for the breakdown of the parties' marriage. A finding is clearly erroneous if this Court, on all the evidence, is left with a definite and firm conviction that a mistake has been made. *Beason v Beason*, 435 Mich 791, 804-805; 460 NW2d 207 (1990). We recognize that in making findings of fact the trial court is in a superior position to evaluate the credibility of the witnesses who appear before it. MCR 2.613(C); *Sparks v Sparks*, 440 Mich 141, 147; 485 NW2d 893 (1992).

The crux of defendant's argument on appeal is that the trial court clearly erred in finding that she was primarily at fault in causing the breakdown in the marriage, and that this erroneous finding of fact resulted, according to defendant, in "inequitable awards of alimony, property division and professional fees." We are not persuaded by either of defendant's arguments. The trial court heard conflicting evidence regarding the source of the parties' strained marital relationship, but found plaintiff's account to be more credible. Because plausible evidence was presented to support the court's finding that defendant was primarily at fault in causing the divorce, we are unable to say that the court committed clear error. *Beason, supra* at 804-805.

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

We further conclude that the trial court's dispositional rulings regarding alimony, property division, and professional fees were just and appropriate under the circumstances of this case. It is apparent to us from the court's comprehensive and well written opinion that, in making its dispositional rulings, the court applied the correct legal standards, considered all the appropriate factors, of which only one was defendant's fault in the breakdown of the marriage, and exercised its discretion fairly. *Sparks, supra* at 151-152. Accordingly, we will not disturb those rulings.

Finally, defendant argues that the trial court should have punished plaintiff for disobeying the court's injunctive order which enjoined the parties from disposing of marital assets during the pendency of this matter. The court's reasons for refusing to find plaintiff in criminal contempt were adequately stated in its written opinion and were supported by the evidence. Accordingly, there is no basis for this Court to disturb that ruling.

Affirmed.

/s/ Michael R. Smolenski
/s/ Donald E. Holbrook, Jr.
/s/ Frances D. Brouillette