

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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MARK KENNETH BYE,

Plaintiff/Counter-Defendant-  
Appellant,

v

DIANE CAROL MECO, f/k/a DIANE CAROL  
BYE,

Defendant/Counter-Plaintiff-  
Appellee.

UNPUBLISHED  
January 17, 2003

No. 236512  
Sanilac Circuit Court  
LC No. 01-027683-DO

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Before: Cooper, P.J., and Bandstra and Talbot, JJ.

PER CURIAM.

Plaintiff appeals as of right the judgment of divorce and an award of spousal support. We affirm.

Plaintiff and defendant were married in 1986. They had no children together. The parties separated in April 2000, and each filed a complaint for divorce. Defendant sought an award of spousal support. Following a trial the trial court awarded plaintiff a divorce from defendant. The trial court awarded plaintiff the marital home and the property on which it stood. Each party was awarded the personal property he or she brought to the marriage. Any personal property acquired during the marriage was to be sold and the proceeds divided equally between the parties. Defendant was awarded fifty percent of the value of plaintiff's pension acquired during the marriage. Defendant was awarded a van, and plaintiff was awarded two vehicles and a motorcycle. The trial court granted defendant spousal support for a period of three years on the ground that the evidence established that defendant needed training to enable her to find employment to fully support herself. The trial court awarded defendant spousal support in the amount of \$150 per week for the first year, \$125 per week for the second year, and \$100 per week for the third year.

Among the factors that a trial court should consider when deciding whether to award spousal support are: (1) the past relations and conduct of the parties; (2) the length of the marriage; (3) the abilities of the parties to work; (4) the source and amount of property awarded to the parties; (5) the parties' ages; (6) the abilities of the parties to pay spousal support; (7) the present situations of the parties; (8) the needs of the parties; (9) the parties' health; (10) the prior standard of living of the parties and whether either party is responsible for the support of others;

(11) contributions of the parties to the joint estate; (12) a party's fault in causing the divorce; and (13) general principles of equity. *Thames v Thames*, 191 Mich App 299, 308; 477 NW2d 496 (1991). The primary objective of spousal support is to balance the incomes and needs of the parties in a way that will not impoverish either party. *Hanaway v Hanaway*, 208 Mich App 278, 295; 527 NW2d 792 (1995).

We review a trial court's findings of fact for clear error. *Moore v Moore*, 242 Mich App 652, 654; 619 NW2d 723 (2000). A finding is clearly erroneous if, after reviewing all the evidence, we are left with a definite and firm conviction that a mistake was made. *Id.* at 654-655. If the trial court's findings are not clearly erroneous, we must then determine whether the dispositional ruling was fair and equitable in light of the facts. *Id.* at 655. The trial court's decision regarding spousal support will be affirmed unless we are firmly convinced that it was inequitable. *Sparks v Sparks*, 440 Mich 141, 151-152; 485 NW2d 893 (1992).

Plaintiff argues the trial court's decision to award spousal support to defendant was clearly erroneous. We disagree and affirm the award of spousal support. The trial court rejected defendant's assertions that plaintiff physically abused her during the marriage and prevented her from working, and concluded that neither party was more at fault for the breakdown of the marriage. The property settlement did not disproportionately favor defendant. The evidence showed that defendant, who at fifty-one was ten years older than plaintiff, had no formal job training and worked only sporadically at low-paying jobs both before and during her fourteen-year marriage to plaintiff. However, plaintiff had stable employment and an income that allowed him to support the household with minimal financial assistance from defendant. At no time prior to her divorce from plaintiff did defendant earn an income that was sufficient to allow her to support herself. Defendant became solely liable for household expenses, including rent, when she vacated the marital home. She also contributed to the care of her elderly father. The trial court's finding that defendant needed further training in order to enable her to earn a sufficient income for the remainder of her working years was not clearly erroneous. MCR 2.613(C). The trial court's award of spousal support for a limited period of three years and in an amount that decreased each year was fair and equitable in light of all the facts. *Sparks, supra; Moore, supra.*

We affirm.

/s/ Jessica R. Cooper  
/s/ Richard A. Bandstra  
/s/ Michael J. Talbot