

## COA Opinion: A trial court does not have to make findings of fact or conclusions of law when its order does not modify a judgment of annulment, but rather, enforces the terms of the judgment.

13. January 2011 By Layla Kuhl

In *Hadley v Huang*, the Michigan Court of Appeals affirmed the trial court's ruling that a judgment of annulment required plaintiff to pay marital-home expenses. The Court of Appeals determined under MCR 2.517(A)(4), the trial court did not have to make findings of fact or conclusions of law when it ordered plaintiff to pay the marital property expenses until the home sells.

In this Oakland Circuit Court action, defendant moved to compel plaintiff to pay the marital-home expenses pursuant to a judgment of annulment, and also moved for an award of attorney fees. The trial court ordered plaintiff to pay the expenses and also awarded defendant \$5,000 in attorney fees. Plaintiff appealed, arguing that the trial court erred in not making findings of fact and conclusions of law under MCR 3.210(D)(1), which requires a trial court to make findings of fact and conclusions of law on contested post-judgment motions to modify a final judgment or order. Plaintiff also argued for the first time on appeal that the trial court awarded an unreasonable amount of attorney fees.

The Court of Appeals determined that MCR 3.210(D)(1) did not apply to defendant's motion because the trial court's order did not modify the judgment of annulment and merely sought to enforce the terms of the annulment. It found that the judgment of annulment was unambiguous and it required plaintiff to pay the listed expenses until the home was sold or until the trial court ordered otherwise. The Court of Appeals went on to conclude that even if the trial court erred in not making findings of fact and conclusions of law, reversal was not warranted because the trial court's action was not inconsistent with substantial justice under MCR 2.613(A), since plaintiff failed to object or provide evidence rebutting defendant's marital expense evidence.

Finally, although the Court of Appeals affirmed the trial court's determination that plaintiff's previous requests for relief were frivolous, it vacated the attorney fees award and remanded the matter for a determination on the reasonableness of the amount of attorney fees.

*Disclaimer:* WNJ represented the prevailing defendant-appellee in this case.