

*This opinion will be unpublished and  
may not be cited except as provided by  
Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-594**

In re the Marriage of:  
Dawn Marie Meether, petitioner,  
Appellant,

vs.

Michael Duane Meether,  
Respondent.

**Filed December 29, 2009  
Reversed and remanded  
Hudson, Judge**

Washington County District Court  
File No. 82-FA-08-1691

Kathryn A. Graves, Katz, Manka, Teplinsky, Graves & Sobol, Ltd., 225 South Sixth  
Street, Suite 4150, Minneapolis, Minnesota 55402 (for appellant)

Steven M. Coodin, Paul E. Overson, Coodin & Overson, PLLP, 539 Bielenberg Drive,  
Suite 200, Woodbury, Minnesota 55125 (for respondent)

Considered and decided by Hudson, Presiding Judge; Kalitowski, Judge; and  
Stauber, Judge.

**UNPUBLISHED OPINION**

**HUDSON, Judge**

On appeal from a district court order granting appellant temporary maintenance of  
\$2,500 per month for five years, appellant argues that the district court abused its  
discretion in denying her request for permanent maintenance of \$3,700 per month and

denying her request to secure the maintenance award with a life insurance policy. Because the district court did not make adequate findings to facilitate proper review by this court, we reverse and remand for further findings.

## **FACTS**

Appellant-wife Dawn Meether and respondent-husband Michael Meether were married on July 15, 1978 and separated in March 2008. At the time of separation, the parties' three children were adults.

The parties stipulated to a division of the marital estate. The district court held a trial to determine the limited issues of whether to award permanent or temporary spousal maintenance, the amount of spousal maintenance and whether a portion of husband's 2008 bonus and his bonuses going forward should be included in the award; whether husband should be required to purchase life insurance to secure the maintenance award; and attorney fees.

At trial, wife requested that the district court grant a permanent maintenance award in the amount of \$3,700 per month plus a portion of husband's future bonuses. Husband requested that the district court award temporary maintenance in the amount of \$2,500 per month for five years. Wife testified at trial that the parties enjoyed a "very good" standard of living during the last ten years of the marriage. She testified that the parties went on "[a] few" vacations and that the parties went out to eat two to three times per week. The parties both testified that they struggled financially at the beginning of the marriage. Husband testified that the parties' standard of living in St. James was "good," but that the new home purchased in Cottage Grove presented budget problems. He

testified that the maintenance obligation at the rate of \$2,500 per month limits his ability to save any money or build any equity in a house.

The district court awarded wife temporary spousal maintenance of \$2,500 per month for five years. It also awarded wife half of husband's 2008 net bonus and half of husband's Agrilance pension as marital property, and \$7,500 in attorney fees. The district court denied wife's request that wife's maintenance award include any future bonuses that husband might receive, and denied her request that husband be ordered to secure his maintenance obligation with a life insurance policy. This appeal follows.

### **DECISION**

Wife argues that the district court abused its discretion in determining the amount and duration of her spousal maintenance award. A district court's award of spousal maintenance is reviewed for a clear abuse of discretion. *Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997). A district court abuses its discretion regarding maintenance if its findings of fact are unsupported by the record or if it improperly applies the law. *Id.* at 202 & n.3. There must be a clearly erroneous conclusion that resolves the matter in a manner "that is against logic and the facts on record before this court will find that the [district] court abused its discretion." *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). "A finding is clearly erroneous if the reviewing court is left with the definite and firm conviction that a mistake has been made." *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000) (quotations omitted).

The district court has broad discretion over the duration of a spousal maintenance obligation. *McConnell v. McConnell*, 710 N.W.2d 583, 585 (Minn. App. 2006). The

amount and duration of spousal maintenance is determined by the district court, as the court deems just, after considering all relevant factors. Minn. Stat. § 518.552, subd. 2 (2008). Relevant factors include: (a) the financial resources of the party seeking maintenance, including marital property apportioned to that party, and the party's ability to meet needs independently; (b) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (c) the standard of living established during the marriage; (d) the duration of the marriage; (e) the loss of earnings, seniority, retirement benefits, or other employment opportunities forgone by the party who is seeking maintenance; (f) the age, emotional, and physical condition of the party seeking maintenance; (g) the ability of the party from whom maintenance is sought to meet needs while meeting those of the party seeking maintenance; and (h) the contribution of each party to the amount or value of marital property. *Id.* No single statutory factor or consideration is dispositive, and each case must be decided on its own facts. *Erlandson v. Erlandson*, 318 N.W.2d 36, 39 (Minn. 1982). When there is uncertainty as to the need for permanent maintenance, the court shall award permanent maintenance, leaving its order open for modification later. Minn. Stat. § 518.552, subd. 3 (2008).

A district court need not make specific findings on all eight factors if “the record reveals with sufficient clarity the factual basis supporting the [district] court’s decision.” *Podany v. Podany*, 267 N.W.2d 500, 502–03 (Minn. 1978). But “[e]ffective appellate review of the exercise of that discretion is possible only when the trial court has issued sufficiently detailed findings of fact to demonstrate its consideration of all factors

relevant to an award of permanent spousal maintenance.” *Stich v. Stich*, 435 N.W.2d 52, 53 (Minn. 1989).

Here, the district court determined that an award of permanent maintenance was not appropriate and instead awarded temporary maintenance of \$2,500 per month for five years. In support of this award, the district court listed wife’s financial resources, including the marital property that wife was granted, which consisted of the marital homestead with marital equity of approximately \$51,000, retirement assets totaling approximately \$66,000, a vehicle, \$16,181.81 from husband’s 2008 bonus, one-half of husband’s Agrilience pension with monthly benefits of approximately \$1,000 per month when husband retires, and other personal property. The district court noted that wife is almost 51 years old, healthy, able-bodied, capable of full-time work, has worked throughout the marriage, and “has skills that make her employable to make a decent living on her own.” The district court acknowledged that the parties had a long-term marriage, but also noted that wife now has no one to support but herself. The district court found that the parties’ standard of living improved over the course of the marriage, and the court stated that their standard of living was “significantly less in the early years . . . and only significantly increased around 2005 when the parties moved to the Twin Cities, which was only 3 years before the separation of the parties.”

But the district court did not address the parties’ budgets and expenses, whether each party’s needs and budgets were reasonable, and whether husband could meet those needs. Nor did the district court address each party’s contributions to marital property. Regarding the permanent or temporary nature of the award, the findings do not fully

explain why the district court believed no uncertainty existed as to whether wife could be self-sufficient after support payments end in five years. Wife is currently employed full time and has a gross monthly income of \$3,044 and a submitted monthly budget of \$5,663. The district court made no finding that wife is underemployed or capable of making an income sufficient to replace the spousal maintenance when it terminates.

Failure to address these issues renders the findings insufficient to enable this court to determine on this record whether the district court properly considered all the requirements of Minn. Stat. § 518.552. *See id.* Thus, we are unable to review the appropriateness of the amount and duration of the spousal maintenance award. As a result, the findings are also insufficient to determine whether the district court abused its discretion by refusing to secure the maintenance award with an insurance policy. We therefore reverse and remand to the district court for additional findings in accordance with this decision.

**Reversed and remanded.**