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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1623**

In re the Marriage of: Marcia A. Hammond, petitioner,
Respondent,

vs.

Jeffrey Lyle Buchanan,
Appellant.

**Filed October 21, 2019
Reversed and remanded
Connolly, Judge**

Hennepin County District Court
File No. 27-FA-000255601

Rebecca A. Chaffee, Best & Flanagan, LLP, Minneapolis, Minnesota (for respondent)

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appellant)

Considered and decided by Cochran, Presiding Judge; Connolly, Judge; and
Johnson, Judge.

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant, an obligor spouse, challenges the denial of his motion to terminate his
maintenance obligation, arguing that the district court failed to make adequate findings of

fact. Because we agree, we reverse and remand for further findings; being unable to adequately review the district court's opinion, we neither make nor imply any decision as to its merits.

FACTS

Appellant Jeffrey Buchanan and respondent Marcia Hammond were married from 1989 to 2001. Their only child, born in 1991, is now 28. During the marriage, the source of the parties' income was appellant's business, which was valued at \$1,350,000 at the time of dissolution. One-third of this amount, \$450,000 was found to be appellant's nonmarital property; the remaining \$900,000 was divided between the parties.

The dissolution judgment also provided that appellant would pay respondent \$12,200 monthly in permanent spousal maintenance and \$1,570 in child support, as well as the child's private-school tuition, books and fees, and would deposit \$7,000 annually for the child's post-secondary education, and would maintain life insurance to secure these payments. Respondent was also awarded the parties' \$1,075,000 home, in which she had equity of over \$400,000.

In 2016, appellant sold his business and became a consultant to it at an annual salary of \$120,000; his salary in 2015 had been \$709,031. He was 68 when he retired in December 2017.

In July 2017, appellant moved to terminate or modify his spousal-maintenance obligation. At the parties' request, the district court addressed whether a court could consider "income generated from marital property, or income generated from non-marital property, when considering what income is available for maintenance" and determined that

appellant's proceeds from the sale of his business could be considered as income for maintenance purposes.

Appellant's motion to terminate or modify spousal maintenance was denied. He challenges the denial, arguing that the district court's findings were insufficient and were not supported by the evidence.¹

DECISION

Standard of Review

We have stated on numerous occasions that the standard of review on appeal from a trial court's determination of maintenance is whether that court abused the broad discretion accorded it. Effective 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.

While the court of appeals acknowledged that the findings could have been more complete, it nevertheless concluded that those findings were not clearly erroneous and that the statutory requirements were considered. We disagree. The trial court did make findings with regard to the parties' income, but made no findings as to their separate expenses. Moreover, it made no specific findings with regard to [the obligor's] financial ability to provide maintenance. As these findings are insufficient to determine whether the trial court properly considered the requirements of Minn. Stat. § 518.552 (1986), the matter is remanded to the trial court for additional findings in accord with this decision.

¹ Respondent argues that appellant's failure to move for amended findings precludes him from arguing that the findings were incomplete. But the sufficiency of the evidence to support the findings may be challenged whether or not the party challenging them has moved to amend them. *Roberson v. Roberson*, 206 N.W.2d 347, 348 (Minn. 1973) (holding that failure to move for amended findings "cannot bar a challenge on appeal that the record does not reveal with sufficient clarity the factual basis supporting the trial court's decision.").

Stich v. Stich, 435 N.W.2d 52, 53 (Minn. 1989) (citation omitted). The same findings would be required for a motion to modify maintenance. *See, e.g., Dougherty v. Dougherty*, 443 N.W.2d 193, 194 (Minn. App. 1989).

Appellant argues that the district court “failed to make necessary factual findings about [r]espondent’s income, the reasonableness of [her] purported expenses, and the effect of the increase in [a]ppellant’s standard of living that accompanied the growth of his own assets in the years following the divorce.” We agree.

As to respondent’s income, the district court found only that she receives monthly maintenance of \$15,632; as to her expenses, it found that, because she spends \$11,533 monthly before taxes and “paid about \$4,000 a month in taxes in 2017,” her monthly expenses are \$15,533. The district court then concluded that respondent needs “the maintenance she is now receiving for her reasonable budget.” But the district court made no findings as to the reasonableness of the individual items in respondent’s budget, other than to say that respondent’s money manager “presented credible evidence” as to the amount she spends. A district court abuses its discretion regarding maintenance if its findings of fact are unsupported by the record. *Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997). We cannot determine whether the conclusion that appellant’s \$15,533 budget is reasonable is an abuse of discretion or is supported by the record.

For example, in her deposition, respondent acknowledged that about “25 to 30 percent” of her \$900 monthly food budget is for her adult son, that she contributes to his clothes and his acupuncture, and that these expenses “might be in the [\$500] miscellaneous” category of her budget. Respondent also testified that her acupuncture

expense was high because 25 to 30% of it was for her son. Amounts spent on an adult child cannot be considered in determining an obligee spouse's need for maintenance. *Reif v. Reif*, 410 N.W.2d 414, 416 (Minn. App. 1987).² The budget the district court determined to be reasonable seems to include significant expenditure for an adult child. Appellant also challenges amounts respondent spent on storage fees, clothing, gifts, and travel. Absent particularized findings on individual expenses to support the district court's determination that respondent's budget is reasonable, we cannot conclude that the determination is not an abuse of discretion.

Absent findings as to respondent's sources of income other than her spousal-maintenance payments, the reasonableness of respondent's expenses, and appellant's increased expenses since the divorce, this court cannot adequately review the district court's decision not to modify the spousal-maintenance award.

Reversed and remanded.

² At the hearing, the district court told respondent that "maintenance is about supporting you, not about supporting your children, even if you choose to support them. . . . [I]f there's evidence in there that . . . your budget includes money [spent] on your kids, that might be something I would trim."