Filed 2/23/12 Garner v. Aronson CA2/8

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

TARA D. GARNER, Plaintiff and Appellant, v. CHRISTOPHER W. ARONSON, Defendant and Respondent.	B231279 (Los Angeles County Super. Ct. No. BD420664)

APPEAL from an order of the Superior Court of Los Angeles County. Mark A. Juhas, Judge. Affirmed.

Tara D. Garner, in pro. per., for Plaintiff and Appellant.

Trabolsi & Levy and Ilene Evans Trabolsi for Defendant and Respondent.

Appellant Tara D. Garner (wife) and respondent Christopher W. Aronson (husband) dissolved their 18-year marriage effective October 2, 2008. Wife appeals from the January 6, 2011 order denying her request to upwardly modify spousal support.[1] We affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

Husband and wife were married in July 1990 and had three children: Christopher, Lyndsay, and Daniel.[2] Wife filed for legal separation in February 2005. According to the Income and Expense Declaration wife filed that month, wife's Limited Liability Corporation, "Mrs. Clean Jeans," had gross income of $82,258.74 and expenses of $87,643.42 in 2004, resulting in a net loss of $5,384.68 for that year. Wife's expenses were $22,694 per month, which included private school tuition for the three minor children who were then living with mother. In March 2005, wife was awarded the family residence, attorney fees, monthly spousal support of $6,400 and monthly child support of $4,600 based on equally shared custody of the three minor children. The couple reconciled in September 2005. After the reconciliation, husband received approximately $500,000 in severance pay from MGM and began working at 20th Century Fox at an annual salary of $375,000. Husband and wife separated again on December 31, 2005. In March 2007, wife ceased getting any child support after husband obtained full custody of the three minor children; wife continued to receive spousal support of $6,400 per month. When wife subsequently regained partial custody of Lyndsay and Daniel (Christopher had by then turned 18), she received child support payments based on the varying percentage of her time with each child.

---

[1] This is wife's second appeal. In a prior unpublished opinion, we affirmed a judgment dividing community property and awarding child support. (*Garner v. Aronson* (Dec. 9, 2011, B228396).) We include in this opinion some of the facts as set forth in our prior opinion.

[2] In January 2011, the date of the order appealed from, son Christopher was 20 years old; daughter Lyndsay was 18 years old; and son Daniel was 11 years old.

Meanwhile, according to a May 2006 Vocational Examination Report, wife reported that she earned between $3,000 and $52,000 annually as a writer and spokesperson. The evaluator concluded that, based on wife's past earning history ($50,000 in 2005 for six months of work and $80,000 in 2004), she could earn between $80,000 and $100,000 per year. Over several days in late 2006, Commissioner Ann Dobbs presided over a trial in the matter, not including custody issues which were to be addressed in a separate trial. Commissioner Dobbs retired in October 2007 without ruling on wife's several attorney fee requests. In February 2008, a mistrial was declared and the matter was assigned to the Honorable Mark A. Juhas.[3]

The marriage was dissolved effective October 2, 2008. That day, husband and wife reached a settlement agreement. Among other things, they stipulated that husband would pay monthly spousal support of $6,750 beginning November 1 and, as additional spousal support, would pay wife 15 percent of husband's annual bonuses from 2006 on (regarding past bonuses, the 15 percent was to be paid over two years in equal installments). This agreement was memorialized in a final judgment, which was entered February 8, 2010.

Although wife's February 2005 Income and Expense Declaration showed that Mrs. Clean Jeans lost money in 2004, by wife's own admission she "had a banner month in September 2009, earning . . . a total of $24,250" for that month, including $21,500 for a three-month sponsorship contract with Vons/Pavillions. But by October 25, 2010, wife had earned only $5,500 for the year. Wife attributed the downturn in her earnings to the trickledown effect of the downturn in the overall economy, specifically the reduced availability of advertising dollars.

---

3 Commissioner Dobbs was eventually censured for not deciding cases in a timely manner. This case was cited by the Commission on Judicial Performance in its decision and order.

On November 10, 2010, the trial court issued an Order to Show Cause (OSC) on wife's application for upward modification of monthly spousal support from $6,750 to $15,000 per month. Husband countered with a request for a decrease in spousal support.

According to wife's October 2010 Income and Expense Declaration she had average monthly living expenses of more than $9,000, including a $5,223.30 mortgage payment on the family home, that she received in the property division. Although wife's Schedule C from her 2009 tax return showed she earned $38,193 that year (and had a net profit of $16,057), wife's 2010 Income and Expense Declaration showed income of just $171.79. In her declaration submitted in support of the OSC application, wife explained that, in addition to spousal support of $6,750 per month, wife's child support payments were: $998 in July and August 2010; $1,832 in October and November 2010; $77 in December 2010; and $2,110 beginning in January 2011.[4] Based on wife's figures, beginning in January 2011, wife's combined monthly spousal and child support was $8,860. Wife asserted she had "gone deeply in debt by attempting to live at the marital standard of living, in the marital home . . . ."

But in his opposition to wife's request for additional spousal support, husband pointed out that wife's calculations omitted the 15 percent of husband's annual bonus that she receives each year as additional spousal support. In 2010, wife's share of husband's annual bonus was $39,750, equivalent to an additional $3,310 per month of spousal support. Thus, in 2010, wife received monthly spousal support of $10,060 ($6,750, plus $3,310), several hundred dollars more than her monthly living expenses. And if husband receives a comparable bonus in 2011, wife's combined monthly spousal and child support will be $12,170, which is more than her monthly expenses.

Wife represented herself at the OSC, which came on for hearing on January 4, 2011. In response to the trial court's observation that neither party had shown a change

---

[4] The varying amounts of child support reflect the different custody percentages of the two minor children. After Lyndsay turned 18 in November 2010, all child support attributable to her ceased and in January 2011, child support attributable to Daniel increased to $2,110 as a result of a change in custody from 24.4 percent to 50 percent.

of circumstances to warrant modification either up or down, wife stated that the change in circumstance was that she was earning less than she had been when she stipulated to spousal support of $6,750 per month. Although she was a writer, wife had not written anything that she tried to sell for about a year; during that time, she had instead focused on creating a website which she hoped would lead to obtaining more lucrative work as a $3,000 a day spokesperson. In the month before the hearing, wife had earned $100 from the website she designed, but she believed that she could eventually earn $3,000 a month from it. Wife expressed concern that without additional spousal support she would be unable to keep the family home. The trial court commented, "It may be that at the end of the day you can't afford a 5,000-dollar-a-month house payment. That may be where we're really headed, unless you want to go out and get a job, which up until now – I am not being critical. It's certainly up to you. It's your choice. Up until now, you have been reluctant to do that, and I get that. [¶] If you could make three million dollars a year doing your Mrs. Clean Jeans thing, that is phenomenal. I hope you can. But in the meantime, you have to put food on the table." At the conclusion of the hearing, wife requested a statement of decision "on your ruling on the change of circumstances since the previous order. I would like a statement of decision on why Family Code section 4326 does not apply. And I would like a statement of decision on my income." The trial court took the matter under submission.

The trial court's "Ruling on Submitted Matter" was a three-page minute order filed on January 6, 2011, which denied the couple's competing requests for modification of spousal support. In it, the trial court explained that wife argued three changes of circumstance: (1) termination of child support within the meaning of Family Code section 4326; (2) husband's increased income; and (3) when the spousal support order was made, it was insufficient to support wife's reasonable needs based on the marital standard of living. The trial court found none of these circumstances warranted increased spousal support.

First, it found Family Code section 4326 inapplicable in that wife's income from child and spousal support had actually increased since the original order was entered.

The trial court found that wife receives "virtually $150,000 per year, some of which is tax free to [wife]."[5] Second, it found husband's increased earnings did not show that wife was entitled to additional support inasmuch as wife had not shown that her current support (i.e., $12,170 per month) was insufficient to meet her reasonable needs. The trial court also found wife had not shown a material decrease in her earnings. It expressed concern that wife was "not using her best efforts to become self sufficient, she appears to be relying on [husband] to provide further financial support." Third, regarding the marital standard of living, the trial court noted that the original judgment did not make any finding as to the marital standard of living and the parties did not agree on a figure; at the time of the OSC, five years postseparation, husband and wife shared custody of just one minor child (the older two children having come of age in the interim). Under these circumstances, "regardless of which standard the court uses, the court is satisfied that [the] current support award is adequate." Wife did not object to the Ruling on Submitted Matter in the trial court, or ask for any modifications of the minute order. (See Code Civ. Proc., § 634 [when party brings omission or ambiguity in statement of decision to attention of trial court, it shall not be inferred on appeal that the trial court decided in favor of the prevailing party on that issue].)

Wife timely appealed.

DISCUSSION

A. The Trial Court's "Ruling on Submitted Matter" Is a Statement of Decision

Wife contends the trial court failed to issue a "statement of decision," requiring reversal of the order denying modification of spousal support. She argues that Code of Civil Procedure section 632 and California Rules of Court, rule 3.1590 (future

---

5 Wife argues that "virtually $150,000" is "conjecture." It is not. We understand "virtually" to mean "almost." As noted, the evidence established that wife's combined monthly spousal and child support payments were $12,170, including her portion of husband's annual bonus; $12,170 multiplied by 12 months is $146,040, which is "almost" $150,000.

undesignated rule references are to the California Rules of Court) required the trial court to prepare a written statement of decision upon wife's request.[6] We find no error.

A statement of decision explains the factual and legal basis for the trial court's decision. Trial courts are not generally obligated to make written findings of fact and conclusions of law. (Code Civ. Proc., § 632; see also Fam. Code, § 210 [making Code Civ. Proc., § 391 et seq. applicable to Family Law proceedings].) But, Code of Civil Procedure section 632 requires the trial court to issue a statement of decision explaining the factual and legal basis for its decision upon a timely request.[7] (Code Civ. Proc.,

---

[6] In addition, wife relies on Family Code sections 4332 and 3654 to support her position that a written statement of decision was required. (All future undesignated statutory references are to the Family Code.) Section 4332 reads: "In a proceeding for dissolution of marriage or for legal separation of the parties, the court shall make specific factual findings with respect to the standard of living during the marriage, and, at the request of either party, the court shall make appropriate factual determinations with respect to other circumstances." Section 3654 reads: "At the request of either party, an order modifying, terminating, or setting aside a support order shall include a statement of decision." Inasmuch as the trial court did not modify, terminate or set aside a support order, section 3654 was inapplicable on its face. Section 4332 was also inapplicable. In a proceeding for dissolution of the marriage or for legal separation, the trial court is required to "file its decision and any statement of decision as in other cases." (§ 2338.) Section 4332 specifies what findings must be included in that decision. In this case, the judgment of dissolution had been entered 13 months earlier, at the hearing on October 2, 2008. Neither party appealed from that judgment, which is now beyond challenge on appeal. The January 4, 2011 proceeding was a hearing on an OSC for modification of spousal support, not one for dissolution of the marriage. For this reason, section 4332 was inapplicable.

[7] Application of Code of Civil Procedure section 632 is not limited to the trial of an action; it also applies to some special proceedings. (*In re Marriage of Fong* (2011) 193 Cal.App.4th 278, 296-297 [no statement of decision required on motion for attorney fees].) "In determining whether an exception should be created, the courts balance: ' "(1) the importance of the issues at stake in the proceeding, including the significance of the rights affected and the magnitude of the potential adverse effect on those rights; and (2) whether appellate review can be effectively accomplished even in the absence of express findings." [Citation.]' [Citation.]" (*In re Marriage of Askmo* (2000) 85 Cal.App.4th 1032, 1040 [proceeding for pendente lite spousal support does not require statement of decision].) Here, we need not decide whether section 632 applies to hearing on an OSC to modify spousal support that results in a denial of any modification because,

§ 632 ["In superior courts, upon the trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required. The court shall issue a statement of decision explaining the factual and legal basis for its decision as to each of the principal controverted issues at trial upon the request of any party appearing at the trial"]; see also rule 3.1590(d) [any party may request a statement of decision to address the principal controverted issues].) Generally, where, as here, the trial is completed in one day, or in less than eight hours over more than one day, the statement of decision may be made orally on the record in the presence of the parties. (Code Civ. Proc., § 632; rule 3.1590(n).) But this exception does not apply to proceedings that fall within Family Code section 3654. (*In re Marriage of Sellers* (2003) 110 Cal.App.4th 1007, 1010 [notwithstanding the exception for trials completed within one day "based on a plain reading of Family Code section 3654, which requires a statement on request, it stands to reason that the court is obligated to prepare the statement"].)

Here, the January 4, 2011 hearing lasted just one day. At the end of the hearing, wife requested a statement of decision on the change of circumstances since the previous order, on why Family Code section 4326 did not apply, and on her income. Husband does not argue that wife's request was untimely or that no statement of decision was required pursuant to Code of Civil Procedure section 632. The trial court did not make its decision orally on the record in the presence of both parties, instead, it took the matter under submission. Two days later, on January 6, the trial court filed the written "Ruling on Submitted Matter," which states: "This minute order will stand as the court's order in the case; no formal order need be prepared." In the three-page minute order, the trial court explained the factual and legal basis for its denial of any modification of the prior spousal support order. In the Ruling on Submitted Matter, the trial court found wife's income from support payments was "virtually $150,000 per year, some of which is tax free to [wife]," explained why Family Code section 4326 did not apply, and explained the

---

as we shall explain, the trial court's "Ruling on Submitted Matter," constitutes a written statement of decision.

basis of its finding that there had been no change of circumstances since the previous order. This satisfied the trial court's duty to provide a written statement of decision.

We are not persuaded to the contrary by wife's complaint that the Ruling on Submitted matter "provides no insight as to whether the court weighed the statutory factors of [sections 4320 and 4326] in denying [wife's] request for a spousal support modification." A statement of decision need not detail the trial court's findings as to each statutory factor. On the contrary, "a statement of decision 'need do no more than state the grounds upon which the judgment rests, without necessarily specifying the particular evidence considered by the trial court in reaching its decision.' " (*In re Marriage of Schmir* (2005) 134 Cal.App.4th 43, 50.) The Ruling on Submitted Matter satisfied this test.

B. It Was Not an Abuse of Discretion to Deny Modification of Spousal Support

Wife contends denial of her request for an upward modification of child support was an abuse of discretion. As we understand her arguments, they are that (1) the order was not supported by substantial evidence and (2) the trial court did not consider all of the section 4320 factors and did not make an express finding as to the marital standard of living. We find no error.

We review an order denying modification of a spousal support order for abuse of discretion. " 'In exercising its discretion the trial court must follow established legal principles and base its findings on substantial evidence. [Citation.] If the trial court conforms to these requirements its order will be upheld whether or not the appellate court agrees with it or would make the same order if it were a trial court.' [Citation.]" (*In re Marriage of West* (2007) 152 Cal.App.4th 240, 246 (*West*).)

A showing of changed circumstances is a prerequisite to obtaining modification of a spousal support order. (*West, supra*, 152 Cal.App.4th at p. 246.) "Otherwise, dissolution cases would have no finality and unhappy former spouses could bring repeated actions for modification with no burden of showing a justification to change the order. Litigants ' "are entitled to attempt, with some degree of certainty, to reorder their

finances and life style [*sic*] in reliance upon the finality of the decree." ' [Citation.] Absent a change of circumstances, a motion for modification is nothing more than an impermissible collateral attack on a prior final order. [Citation.]" (*In re Marriage of Smith* (1990) 225 Cal.App.3d 469, 480 (*Smith*).)

" 'Change of circumstances' means a reduction or increase in the supporting spouse's ability to pay and/or an increase or decrease in the supported spouse's needs. It includes all factors affecting need and the ability to pay. When there is no substantial evidence of a material change of circumstances, an order modifying a support order will be overturned for abuse of discretion." (*West, supra*, 152 Cal.App.4th at p. 246; see also *In re Marriage of Kacik* (2009) 179 Cal.App.4th 410, 422 [same].)

In ordering spousal support, "the trial court *must* consider and weigh all of the circumstances enumerated in [section 4320], *to the extent they are relevant to the case before it.*[8] (*In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 302, italics added.)

---

[8] Section 4320 requires the court to consider the following: "(a) The extent to which the earning capacity of each party is sufficient to maintain the standard of living established during the marriage, taking into account all of the following: [¶] (1) The marketable skills of the supported party; the job market for those skills; the time and expenses required for the supported party to acquire the appropriate education or training to develop those skills; and the possible need for retraining or education to acquire other, more marketable skills or employment. [¶] (2) The extent to which the supported party's present or future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the supported party to devote time to domestic duties. [¶] (b) The extent to which the supported party contributed to the attainment of an education, training, a career position, or a license by the supporting party. [¶] (c) The ability of the supporting party to pay spousal support, taking into account the supporting party's earning capacity, earned and unearned income, assets, and standard of living. [¶] (d) The needs of each party based on the standard of living established during the marriage. [¶] (e) The obligations and assets, including the separate property, of each party. [¶] (f) The duration of the marriage. [¶] (g) The ability of the supported party to engage in gainful employment without unduly interfering with the interests of dependent children in the custody of the party. [¶] (h) The age and health of the parties. [¶] (i) Documented evidence of any history of domestic violence, as defined in Section 6211, between the parties, including, but not limited to, consideration of emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, and consideration of any history of violence

The section 4320 circumstances are equally relevant to the determination of whether to *modify* a spousal support order. (*West, supra*, 152 Cal.App.4th at p. 247.) While the "marital standard of living" is the reference point by which the other factors listed in section 4320 must be weighed, "[t]he Legislature has never specified that spousal support must always meet the needs of the supported spouse as measured by the marital standard of living. . . . In most instances, it is impossible at separation for either party to have sufficient funds to continue to live in the same life-style enjoyed during the marriage. After separation the parties have two households rather than one, and with California's high housing costs this represents a significant increase in living expenses." (*Smith, supra*, 225 Cal.App.3d pp. 488-489.)

In addition to the factors set forth in section 4320, the termination of child support after a child turns 18 may constitute a change of circumstances warranting a modification of spousal support. (§ 4326, subd. (a) [termination of child support "constitutes a change of circumstances that *may* be the basis for a request by either party for modification of spousal support" (italics added)].) But, while termination of child support *may* be the basis of a modification request, it does not follow that spousal support must be modified following termination of child support. (See, e.g., *Krug v. Maschmeier* (2009) 172 Cal.App.4th 796, 802 ["The normal rule of statutory construction is that when the Legislature provides that a court or other decisionmaking body 'may' do an act, the statute is permissive, and grants discretion to the decision maker."]; *Woolls v. Superior Court* (2005) 127 Cal.App.4th 197, 208 ["Generally speaking, 'the word "may" is

---

against the supporting party by the supported party. [¶] (j) The immediate and specific tax consequences to each party. [¶] (k) The balance of the hardships to each party. [¶] (*l*) The goal that the supported party shall be self-supporting within a reasonable period of time. Except in the case of a marriage of long duration as described in Section 4336, a 'reasonable period of time' for purposes of this section generally shall be one-half the length of the marriage. However, nothing in this section is intended to limit the court's discretion to order support for a greater or lesser length of time, based on any of the other factors listed in this section, Section 4336, and the circumstances of the parties. [¶] (m) The criminal conviction of an abusive spouse shall be considered in making a reduction or elimination of a spousal support award in accordance with Section 4325. [¶] (n) Any other factors the court determines are just and equitable."

permissive – you can do it if you want, but you aren't being forced to – while the word "shall" is mandatory . . . .' "].)

One of the criteria set forth in section 4320 is the "goal that the supported party shall be self-supporting within a reasonable period of time." (§ 4320, subd. (*l*); see also *In re Marriage of McElwee* (1988) 197 Cal.App.3d 902, 909-910 [lack of diligence in seeking employment and improvident management of assets justify refusal to award spousal support].) Changed expectations about the supported spouse's ability to become self-supporting may constitute a change of circumstances. (*West, supra*, 152 Cal.App.4th at p. 247.) When a request for modification of support is based on the supporting spouse's increased ability to pay, the supported spouse must show that his or her needs were unmet at the time of the original support order. (*In re Marriage of Weinstein* (1991) 4 Cal.App.4th 555, 565.) Where the supported spouse's needs are being met, the supporting spouse's standard of living due to postseparation separate property earnings is irrelevant. (*Id*. at p. 566.)

1. The Order Was Supported by Substantial Evidence

Wife contends the trial court's finding of no changed circumstances is not supported by the evidence that: (1) child support attributable to Lyndsay had terminated; (2) wife's income had decreased while husband's had increased since the original support order was made; and (3) the original support order did not meet wife's needs. We find substantial evidence supports the order.

First, in October 2008, when the parties stipulated to monthly spousal support of $6,750, wife did not have custody of the children and received no child support. She later regained partial custody and was awarded child support. Although wife stopped receiving monthly child support in the amount of $1,832 for Lyndsay and Daniel combined in November 2010, in January 2011 her child support for Daniel alone increased to $2,110, a net increase of $278 per month. Thus, beginning in January 2011, wife's total monthly support payments are $8,860, comprised of monthly spousal support of $6,750 plus monthly child support of $2,110. In addition, wife is entitled to 15 percent

of husband's annual bonus which in 2010 represented an additional $3,310 per month. If husband received a similar bonus in 2011, wife's monthly support payments will be $12,170, which is $2,702 more than her monthly expenses. Thus, contrary to wife's argument, the total support payments she receives have actually increased since the time the original support order was made. Under these circumstances, wife has not shown that termination of child support attributable to Lyndsay is a material change in circumstances that warrants upward modification of her spousal support.

Second, wife has not shown that her income has decreased since the original permanent support order was stipulated to in October 2008, or entered in February 2010. Since the beginning of these divorce proceedings, wife has shown no net income from her company, Mrs. Clean Jeans. In her February 2005 Income and Expense Declaration, wife showed a net loss of $5,384.68 for her company in 2004. The company was still showing a net loss in February 2005. In 2009, Mrs. Clean Jeans had a "banner year," making a net profit of $16,057. But wife's October 2010 Income and Expense Declaration showed income of just $171.79 from Mrs. Clean Jeans for that year. At the hearing, wife explained that she had written just one article in 2010 and was instead focusing her efforts on updating the website that was her "calling card" for more highly paid jobs as a company spokesperson. But the trial court was not convinced that wife was using her best efforts to become self-supporting. Substantial evidence supports the trial court's finding. In particular, the trial court found wife did not seek out any paid writing assignments for a year.

Third, wife has not shown that her reasonable needs were unmet in October 2008 when the parties stipulated to permit spousal support or in February 2010, the date of the original permanent support order. Wife's 2010 Income and Expense Declaration lists monthly expenses of $9,153.46, including a $5,223.20 interest only mortgage payment. In 2010, wife received monthly spousal support, including her portion of husband's annual bonus, of $10,060; wife also received child support for the last several months of 2010. Inasmuch as wife's support payments were more than her monthly expenses, wife has not shown that her needs were not being met.

We are not persuaded otherwise by wife's argument that she has cut her monthly expenses to the barest minimum so that she could keep the family home. As noted by the trial court, keeping the house simply may not be possible. This is consistent with the observation of the court in *Smith, supra*, 225 Cal.App.3d at page 489, that it is generally impossible for either party to have sufficient funds to continue to live in the same lifestyle enjoyed during marriage because two households are more expensive to keep than one. This is a reality that wife seems reluctant to accept.

2. The Trial Court Considered the Relevant Section 4320 Factors

Wife contends the trial court failed to apply each applicable section 4320 factor, specifically, the trial court (1) did not make the required finding as to the marital standard of living; and (2) gave too little weight to wife's efforts to find work as a corporate spokesperson, how wife's earning capacity was impaired by devoting her time to domestic duties during the marriage (§ 4320, subd. (a)(2)), and how wife obtaining work outside the home would interfere with her ability to parent Daniel (§ 4320, subd. (g)). We find no error.

The trial court's failure to make specific findings on the marital standard of living at the OSC hearing does not require reversal. In a proceeding for dissolution of marriage, section 4332 requires the trial court to "make specific factual findings with respect to the standard of living during the marriage . . . ." But the January 4 hearing was not to dissolve the marriage; it addressed modification of spousal support. Therefore, the trial court had no sua sponte duty to make a factual finding as to the marital standard of living. Although wife's moving papers requested "factual findings with respect to the standard of living during the marriage," she did not include this in her oral request for a statement of decision. For these reasons, we find no error in the trial court's failure to make a finding as to the marital standard of living in the context of the OSC.

We decline wife's invitation to reweigh the trial court's balancing of the section 4320 factors because wife has failed to show any abuse of discretion. " 'As long as the court exercised its discretion along legal lines, its decision will be affirmed on

appeal if there is substantial evidence to support it.' " (*In re Marriage of Blazer* (2009) 176 Cal.App.4th 1438, 1443.) Here, the record reveals that the trial court adequately considered the relevant section 4320 factors and, as we have explained, substantial evidence supported its determination that no increase in support was warranted.

DISPOSITION

The January 6, 2011 order is affirmed. Husband to recover costs on appeal.

RUBIN, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.