

**QUESTION 15 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V  
OR IN EXAMPLIFY ANSWER SCREEN 15**

Wallace and Donna Duncan were married for 28 years before their marriage ended in divorce and was dissolved after a contested divorce trial before a Michigan family division judge. However, the trial addressed only whether Donna would receive alimony/spousal support because other issues pertaining to property division and custody were previously resolved by the parties.

The trial judge awarded Donna \$2,500 per month in spousal support for a period of 15 years, or until Donna remarried. The award was based in part on Wallace's income of \$10,000 per month as an accountant and Donna's income of \$1,800 per month as a part-time legal secretary.

Ten years after entry of the divorce judgment, Donna lost her job as a part-time legal secretary and had taken up work at a dry cleaners making roughly \$1,400 per month. Wallace, on the other hand, had become eligible for firm bonuses and was receiving an additional \$15,000 in yearly compensation.

As a result of the changed financial conditions, Donna filed a motion to increase her spousal support to be heard by the divorce trial judge. Wallace filed a written response contending the following: First, the alimony award previously made was non-modifiable. Second, because Donna was living with her boyfriend, spousal support must terminate by the terms of the spousal support award language. Third, that a domestic relations referee must first hear Donna's request, not the original trial judge.

Applying Michigan law, evaluate the merits of each of Wallace's position. Fully explain your answers.

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