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STATE OF MICHIGAN

COURT OF APPEALS

CHRISTINE AIMIE HARMON, Plaintiff/Counterdefendant-Appellee,	UNPUBLISHED November 17, 2026 12:08 PM
v	No. 370214 Wayne Circuit Court
WILLIAM ROBERT HARMON, Defendant/Counterplaintiff-Appellant.	LC No. 22-112569-DM

CHRISTINE AIMIE HARMON, Plaintiff-Appellee,	
v	No. 376464 Wayne Circuit Court
WILLIAM ROBERT HARMON, Defendant-Appellant.	LC No. 22-112569-DM

Before: LIEVENSE, P.J., and SWARTZLE and MARIANI, JJ.

PER CURIAM.

In these consolidated appeals,[1] defendant, William Robert Harmon, appeals by right two orders of the trial court. In Docket No. 370214, defendant appeals the judgment of divorce, which, in pertinent part, (1) divided the marital estate; (2) granted spousal support to plaintiff, Christine Aimie Harmon; and (3) granted plaintiff's request for attorney fees. In Docket No. 376464,

[1] On July 22, 2025, this Court consolidated the appeals "to advance the efficient administration of the appellate process." *Harmon v Harmon*, unpublished order of the Court of Appeals, entered July 22, 2025 (Docket Nos. 370214; 376464).

defendant appeals the trial court's order granting plaintiff's request for postjudgment attorney fees. We affirm both orders.

I. BACKGROUND

Plaintiff began dating defendant in approximately 1996, and she moved in with him in 2001. The two married in June 2006, and plaintiff filed for divorce in November 2022.[2] The parties thereafter engaged in a highly acrimonious dispute and lengthy bench trial regarding, among other things, the division of their assets, plaintiff's request for spousal support, and plaintiff's request for attorney fees.[3] Among the disputed assets were the family's sailboat, the parties' automobiles, and the proceeds from the sale of the marital home. The trial court awarded the parties possession of their respective automobiles, but awarded 55% of the value of those automobiles to plaintiff.[4] The court awarded possession of the sailboat to defendant, but awarded 55% of the appraised value of the sailboat to plaintiff.[5] Regarding the marital home's sale proceeds, the court ordered that $30,000 of the proceeds be paid to the parties' attorneys,[6] and divided the remaining proceeds equally between the parties. The court also granted plaintiff's request for attorney fees in the amount of $67,587.77, having concluded that plaintiff did not have the ability to pay those fees but that defendant did.

In the months that followed—and during the pendency of defendant's appeal of the judgment of divorce in Docket No. 370214—defendant did not comply with several provisions in the judgment, other orders issued by the court, and discovery. Specifically, defendant failed to comply with the orders that he pay $67,587.77 for plaintiff's attorney fees, that he transfer over 55% of the remaining undivided portion of his retirement assets to plaintiff, and that he maintain the status quo until the division of assets was complete. As a result, plaintiff was required to undertake extensive efforts to obtain defendant's compliance and to collect the amounts awarded to her. This included, among other things, filing motions to compel, motions to enforce orders, writs of garnishment, and motions for a court-appointed receiver. After several months of such

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[2] Defendant filed a countercomplaint for divorce approximately seven weeks later.

[3] The parties also disputed matters involving their two daughters born during the marriage, including legal and physical custody, parenting time, and child support. The judgment of divorce substantively addressed each of these matters, and neither party challenges the trial court's determinations regarding them on appeal.

[4] The percentage of the automobiles' values awarded to plaintiff was consistent with the overall distribution of the remaining marital assets awarded to her, which, after considering the relevant factors, the court had determined was an equitable distribution of the parties' marital assets.

[5] Like the automobiles, the percentage of the sailboat's value awarded to plaintiff was consistent with the overall distribution of the remaining marital assets awarded to her.

[6] The court awarded $10,000 to each of the parties for their respective attorney fees and held the other $10,000 in escrow until after the bench trial, to be apportioned to pay the parties' remaining attorney fees as needed. The court ultimately awarded that final $10,000 to plaintiff to cover her attorney fees, as defendant's fees had already been paid in full.

efforts, plaintiff moved in September 2024 for an award of postjudgment attorney fees to cover the fees she incurred as a result of them.

In January 2025, while plaintiff's request for postjudgment attorney fees was still pending, defendant filed for Chapter 13 bankruptcy,[7] which automatically stayed the proceedings below and defendant's appeal in Docket No. 370214 under 11 USC 362(a).[8] In April 2025, the bankruptcy court entered a stipulated order lifting the automatic stay so that the trial court could consider and decide plaintiff's request for postjudgment attorney fees and so that this Court could decide the appeal in Docket No. 370214. Plaintiff thereafter supplemented her prior request for postjudgment attorney fees and, following a hearing in June 2025, the trial court awarded such fees to plaintiff in the amount of $31,888.75. The court concluded that the requested fees were reasonable and that they were warranted both because plaintiff did not have the ability to pay them while defendant did and because the fees were incurred as a result of defendant's noncompliance with the court's orders and discovery.

These appeals followed.

II. DISTRIBUTION OF ASSETS

On appeal, defendant first challenges aspects of the trial court's distribution of the parties' assets—namely, the marital home's sale proceeds, the sailboat, and two of the automobiles.

As summarized in *Hodge v Parks*, 303 Mich App 552, 554-555; 844 NW2d 189 (2014):

> In a divorce action, this Court reviews for clear error a trial court's factual findings on the division of marital property and whether a particular asset qualifies as marital or separate property. Findings of fact are clearly erroneous when this Court is left with the definite and firm conviction that a mistake has been made. Special deference is afforded to a trial court's factual findings that are based on witness credibility. This Court further reviews whether a trial court's dispositional rulings are fair and equitable in light of the trial court's findings of fact, but this Court will reverse only if definitely and firmly convinced that the disposition is inequitable. [Quotation marks and citations omitted.]

[7] "A Chapter 13 bankruptcy—sometimes called a 'wage earners plan'—enables a debtor with regular income to repay all or part of his debts, typically over a three- to five-year period." *In re Cumbess*, 960 F3d 1325, 1330 (CA 11, 2020).

[8] On March 13, 2025, this Court closed the appeal in Docket No. 370214 but notified the parties that they could reopen the appeal after the bankruptcy stay was lifted by filing a motion to do so. *Harmon v Harmon*, unpublished order of the Court of Appeals, entered March 13, 2025 (Docket No. 370214). As described *infra*, the stay was eventually lifted, and this Court, pursuant to defendant's motion, reopened the appeal on May 27, 2025. *Harmon v Harmon*, unpublished order of the Court of Appeals, entered May 27, 2025 (Docket No. 370214).

Questions of law are reviewed de novo. *Cunningham v Cunningham*, 289 Mich App 195, 200; 795 NW2d 826 (2010).

"The goal in distributing marital assets in a divorce proceeding is to reach an equitable distribution of property in light of all the circumstances." *Berger v Berger*, 277 Mich App 700, 716-717; 747 NW2d 336 (2008). When dividing property in a divorce, trial courts must first determine marital and separate assets. *Reeves v Reeves*, 226 Mich App 490, 493-494; 575 NW2d 1 (1997). "Generally, marital property is that which is acquired or earned during the marriage, whereas separate property is that which is obtained or earned before the marriage." *Cunningham*, 289 Mich App at 201. "The categorization of property as marital or separate, however, is not always easily achieved," *id*., and ultimately, "[t]he actions and course of conduct taken by the parties are the clearest indicia of whether the property is treated or considered as marital, rather than separate, property," *id*. at 209. "As a general principle, when the marital estate is divided 'each party takes away from the marriage that party's own separate estate with no invasion by the other party.' " *Id*. at 201, quoting *Reeves*, 226 Mich App at 494. "However, a spouse's separate estate can be opened for redistribution when one of two statutorily created exceptions is met"—namely, "when one party demonstrates additional need," or "when the other spouse contributed to the acquisition, improvement, or accumulation of the property." *Reeves*, 226 Mich App at 494-495 (quotation marks and citations omitted); see also MCL 552.23(1) and MCL 552.401.

A. PROCEEDS FROM SALE OF MARITAL HOME

Defendant argues that the trial court reversibly erred by awarding plaintiff an equal amount of the remaining net proceeds from the sale of the marital home.[9] According to defendant, because the home was in his name only and he alone made the mortgage payments from the date of purchase in 2001 until the parties' marriage in 2006, he had a premarital interest in the home totaling $54,787.33 and thus should have received that amount from the sale proceeds as separate property. We disagree.

The trial court addressed this very issue when distributing the parties' assets. In making its findings, the court acknowledged that the home was in defendant's name and that defendant made all the mortgage payments. The court emphasized, however, that plaintiff helped defendant acquire the home before their marriage while she worked as a real-estate agent, moved into the home with defendant shortly after its purchase, and lived in the home with defendant for more than 21 years. The court further explained that 16 of those 21 years plaintiff lived with defendant "were during the marriage when the parties paid the mortgage and made improvements with marital funds, and where Plaintiff personally and significantly participated in improving the residence over many years" while she was in the home as a full-time stay-at-home parent. Thus, the court concluded that "[d]efendant's premarital contribution lost any characteristic of being separate property." The court further concluded that even if defendant's premarital contribution was separate property, invasion of that property was equitable under both MCL 552.23(1) and MCL 552.401 because plaintiff made significant contributions to the home and because "the remaining marital property,

[9] Defendant seemingly does not challenge the court's order that $30,000 of the sale proceeds be paid to the parties' attorneys before the remaining proceeds were split between the parties equally.

consisting mostly of retirement assets, [wa]s insufficient for Plaintiff's suitable support and maintenance."

We see no error in the trial court's conclusions. The parties' trial testimony established that defendant purchased the home in August 2001 for $135,700, with plaintiff helping to negotiate the purchase as defendant's licensed real-estate agent; that plaintiff moved into the home with defendant immediately after its purchase; and that the parties resided in the home together until plaintiff filed for divorce in November 2022. Because the parties married in June 2006, more than 16 of those 21 years were during the parties' marriage. It is undisputed that defendant made all the mortgage payments, including between the time when plaintiff first moved into the home and when the parties married. Testimony from several witnesses, including neighbors and friends, also established that during the parties' time in the home, plaintiff made significant contributions that improved the home, including plastering and drywalling an addition to the home, soldering copper plumbing and correcting electrical issues throughout the home, laying floor tiles, and replacing the driveway and patio with brick pavers. And the proofs established that these improvements helped increase the value of the home, which the parties ultimately sold for more than the purchase price.

The record evidence further demonstrates that plaintiff left the workforce after giving birth to the parties' first child in 2007 and became a full-time stay-at-home parent responsible for taking care of the children and ensuring the home functioned smoothly. Plaintiff's contributions to household operations allowed the parties to save on home-improvement and childcare costs, and allowed defendant to work in his full-time position as an optometrist, which paid a six-figure salary sufficient to financially support the family. As a consequence, however, plaintiff lost the opportunity to advance her career. Plaintiff ultimately did not reenter the workforce until 2021, when the parties' children were much older, and even then, her new position paid nearly eight times less than defendant's position. Thus, by the time of trial, plaintiff earned much less than defendant and had accumulated little to no independent retirement savings, and her future earning potential was significantly impaired.

On this record, we see no error in the trial court's conclusion that defendant's contribution to the home was sufficiently commingled with marital property such that it "lost any characteristic of being separate property." *Pickering v Pickering*, 268 Mich App 1, 12-13; 706 NW2d 835 (2005); see also *Cunningham*, 289 Mich App at 201, 209. And even if that were not the case, the same record evidence equally supports the trial court's conclusion that invasion of that property was equitable given plaintiff's significant contributions toward the acquisition and improvement of the home, see MCL 522.401, and given the considerable income disparity between the parties and plaintiff's clear need for financial assistance to provide for herself and the parties' children, see MCL 552.23(1). At bottom, defendant's arguments and the record before us do not leave us with a definite and firm conviction that the trial court made a mistake in distributing an equal amount of the remaining proceeds from the sale of the marital home to the parties, or that the court's distribution was inequitable. See *Hodge*, 303 Mich App at 554-555.

B. SAILBOAT

Defendant also challenges the trial court's finding that the sailboat constituted a marital asset. Defendant argues that because he purchased the boat before the marriage and plaintiff did

not contribute to its acquisition or participate in its upkeep and maintenance, it should have been deemed his separate property. In making this argument, defendant relies exclusively on his own trial testimony that he purchased the boat in 2005 for $25,000 by financing $17,000 and paying the remainder of the purchase price with his own savings and a $500 gift from his father. He ignores, however, plaintiff's testimony that she and defendant bought the boat together shortly before they married using a significant sum of money gifted to them by defendant's parents in lieu of their payment for a large wedding. He also ignores plaintiff's testimony that she regularly worked on the boat with defendant and that she made several improvements to the boat, including a significant amount of teak work and a new propeller. Given that the parties' testimony was the primary evidence regarding the boat, it is sufficiently clear from the record that the trial court, when concluding that the boat was marital property to be equitably divided between the parties, found plaintiff's testimony in this regard to be more credible. We give special deference to the trial court's findings based on witness credibility, and defendant has not provided, nor do we see, any basis to disrupt that credibility assessment here. See *Hodge*, 303 Mich App at 555.

C. AUTOMOBILES

Regarding the automobiles, defendant only raises challenges with respect to two of them. When calculating the value of the marital assets, the court included a 2016 Volkswagen (VW) Golf and a 1995 Pontiac Firebird. Regarding the VW, defendant does not challenge the court's conclusion that it was a marital asset, but takes issue with the court's finding that its value was $4,643. Defendant asserts, as he did during his trial testimony, that the VW had no value, which is why he turned it over to a dealership for no money a few days before trial. But defendant also stipulated, in multiple court filings, to the value of the VW as being $4,643; he thus cannot now argue that that valuation was erroneous. See *id*. at 556 ("A party cannot stipulate with regard to a matter and then argue on appeal that the resulting action was erroneous."). Furthermore, the court, as the trier of fact, was free to reject defendant's testimony that the VW had no value and find both defendant's representations in court filings and plaintiff's testimony to be more credible. Defendant has provided no basis for us to disrupt the trial court's weighing of that evidence or its final valuation of the VW. See *id*. at 555; *Jansen v Jansen*, 205 Mich App 169, 171; 517 NW2d 275 (1994) (noting that a trial court has "great latitude in determining" the valuation of a marital asset and that "no clear error is present" when the court's "valuation of a marital asset is within the range established by the proofs").

Regarding the Firebird, the trial court found that the vehicle was a marital asset valued at $2,467.50.[10] The court reached this amount by averaging the parties' estimates. Defendant does not challenge the court's valuation but instead argues that the court erred by concluding that the Firebird was a marital asset, as he had purchased the car in 1995, well before the parties' marriage. But as with the VW, the court's conclusion that the Firebird was a marital asset—the value of which was to be equitably distributed to the parties—was based on the parties' stipulations in their joint final pretrial order, a stipulated exhibit listing the parties' marital assets and their agreed-upon values, and the parties' trial testimony indicating that marital funds were used to maintain the vehicle. See *Hodge*, 303 Mich App at 555-556; *Jansen*, 205 Mich App at 171. Accordingly,

[10] The court awarded possession of the Firebird to defendant pursuant to the parties' stipulation.

we see no valid basis to disrupt the trial court's valuation of the Firebird or the court's conclusion that the valuation of the Firebird was to be split equitably between the parties.

III. UNEXERCISED ABILITY TO EARN

Defendant next argues that the trial court reversibly erred by failing to consider plaintiff's unexercised ability to earn before making its final determinations. According to defendant, plaintiff "is fully capable of earning a greater salary" given her level of education and prior work experience and has been voluntarily underemployed. A trial court's decision to impute income to a party due to an unexercised ability to earn is reviewed for an abuse of discretion, which occurs when the court renders a decision that falls outside "the range of reasonable and principled outcomes." *Carlson v Carlson*, 293 Mich App 203, 205; 809 NW2d 612 (2011). Defendant contends that the trial court "failed to address the issue of [plaintiff's] unexercised ability to earn," which necessarily amounts to an abuse of discretion and warrants remand for the court to duly address the matter. The record before us belies this claim.

Defendant made multiple arguments regarding plaintiff's unexercised ability to earn during the proceedings below, and the trial court addressed those arguments in its findings. The court specifically noted in its written findings that defendant "assert[ed] that Plaintiff should be imputed a higher amount of income given her previous employment background," but the court concluded that it would not do so. The court explained that the prior employment defendant referred to "was many years ago," that plaintiff no longer had a real-estate license, and that "imputing income consistent with a job requiring work hours during times when the children are out of school would require the Court to account for day care costs for the youngest child, potentially offsetting the additional income." The court further explained that plaintiff's "current job at the same school district where her children attend allows her to be present for and focus on the children and complements her primary role as a parent," which the court believed was in the children's best interests given the "recent trauma and serious disruption in their lives" they had experienced. The record thus reflects that the trial court did, in fact, consider plaintiff's unexercised ability to earn and ultimately exercised its discretion not to impute a greater income to plaintiff. See *id*. at 205-206. Accordingly, defendant's claim of error lacks merit, and he has not shown entitlement to relief on this basis.

IV. ATTORNEY FEES

Lastly, defendant challenges both the trial court's initial award of attorney fees to plaintiff and the court's award of postjudgment attorney fees to plaintiff. We review a trial court's decision concerning attorney fees for an abuse of discretion, and its underlying findings of fact for clear error. *Richards v Richards*, 310 Mich App 683, 699-700; 874 NW2d 704 (2015).

Although attorney fees are not recoverable by right in divorce actions, they are authorized by statute, MCL 552.13(1), and court rule, MCR 3.206(D). *Reed v Reed*, 265 Mich App 131, 164; 693 NW2d 825 (2005). Pursuant to MCR 3.206(D)(1) and (2)(a) and (b), "attorney fees are awarded only as necessary to enable a party to prosecute or defend a suit but are also authorized when the requesting party has been forced to incur expenses as a result of the other party's unreasonable conduct in the course of litigation." *Cassidy v Cassidy*, 318 Mich App 463, 480; 899 NW2d 65 (2017) (quotation marks and citation omitted). Namely, MCR 3.206(D)(2) provides:

> A party who requests attorney fees and expenses must allege facts sufficient to show that
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> (a) the party is unable to bear the expense of the action, including the expense of engaging in discovery appropriate for the matter, and that the other party is able to pay, or
>
> (b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply, or engaged in discovery practices in violation of these rules.

See also *Cassidy*, 318 Mich App at 480-481 (explaining that MCR 3.206(D)(2)(a) "allows payment of attorney fees based on one party's inability to pay and the other party's ability to do so," whereas MCR 3.206(D)(2)(b) "considers only a party's [bad] behavior") (quotation marks and citations omitted). "The party requesting the attorney fees has the burden of showing facts sufficient to justify the award." *Woodington v Shokoohi*, 288 Mich App 352, 370; 792 NW2d 63 (2010). And when reviewing a party's request for attorney fees, the trial court must "give special consideration to the specific financial situations of the parties and the equities involved." *Loutts v Loutts (After Remand)*, 309 Mich App 203, 218; 871 NW2d 298 (2015) (quotation marks and citation omitted).

A. INITIAL AWARD OF ATTORNEY FEES

Regarding the trial court's initial award of attorney fees to plaintiff, defendant argues that the trial court reversibly erred by concluding that such an award was warranted under MCR 3.206(D)(2)(a) because he was able to pay the fees and plaintiff was not.[11] We disagree.

In determining this initial fee award was warranted under MCR 3.206(D)(2)(a), the trial court focused on the amount in attorney fees each party owed and the disparity in the parties' yearly incomes. The court noted that defendant's attorney fees totaled $56,255.05 but that "nothing is currently owed" because defendant paid those fees "with money from his proceeds from the sale of the marital home" and money his father had given him. Meanwhile, plaintiff incurred $88,587.57 in fees, with $77,587.57 still owing. The court also noted that plaintiff earned approximately $20,000 per year, which was "much less than the amount of attorney fees she owe[d]." As the trial court acknowledged, "a party sufficiently demonstrates an inability to pay attorney fees when that party's yearly income is less than the amount owed in attorney fees." *Myland v Myland*, 290 Mich App 691, 702; 804 NW2d 124 (2010). Defendant, on the other hand, earned $152,000 a year—nearly eight times what plaintiff did—and spent a good deal of his income on expenses that were nonessential, discretionary, or excessive in their amount, such as yacht club dues, various boating expenses, sports, and his retirement contributions. The court found that the significant income disparity between the parties and the respective amount of

[11] Defendant does not meaningfully attempt to challenge the reasonableness of those fees on appeal—nor could he, given that the parties stipulated at the end of trial that their attorneys' billable hourly rates and the total amount of their incurred attorney fees were reasonable. See *Hodge*, 303 Mich App at 556.

attorney fees each still owed "justifie[d] a ruling for Defendant to contribute toward Plaintiff's" fees, and thus ordered defendant to pay $67,587.77 to plaintiff's attorney.[12] Defendant asserts that plaintiff could have simply used her share of the marital estate to pay for her own attorney fees, but as the trial court recognized in its findings, "[i]t is well settled that a party should not be required to invade assets to satisfy attorney fees when the party is relying on the same assets for support." *Woodington*, 288 Mich App at 370.

The trial court's findings were based on the parties' trial testimony, documentary evidence, and stipulated information, which together provided ample support for the court's decision to award plaintiff attorney fees. Defendant has not shown clear error in the trial court's factual findings or an abuse of discretion in the court's ultimate award of $67,587.77 in attorney fees to plaintiff. See *Richards*, 310 Mich App at 699-700.

B. POSTJUDGMENT ATTORNEY FEES

Defendant also challenges, in his *in propria persona* appellate brief,[13] the trial court's award of postjudgment attorney fees to plaintiff. Here too, we see no basis for relief.[14]

As discussed, plaintiff first requested postjudgment attorney fees in September 2024; she then supplemented that request in May 2025, and again in June 2025. Defendant at no point filed a response.[15] After holding a hearing on the matter in June 2025, the trial court concluded that plaintiff's requested fees were warranted for two reasons: (1) because, under MCR 3.206(D)(2)(a), plaintiff was "unable to bear the expense of the action" and defendant was "able to pay"; and (2) because, under MCR 3.206(D)(2)(b), " the attorney fees were incurred because [defendant] refused

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[12] As noted above, the court also ordered that the $10,000 held in escrow following the sale of the marital home be used to pay the remaining amount of plaintiff's attorney fees.

[13] Defendant is represented by counsel in Docket No. 370214, but is representing himself in Docket No. 376464.

[14] As detailed below, the trial court awarded plaintiff postjudgment attorney fees under both MCR 3.206(D)(2)(a) and (b). Defendant filed a claim of appeal from that decision with this Court, and has proceeded with the appeal by right. At oral argument before this Court, however, counsel for plaintiff observed that this Court recently held that a postjudgment order awarding attorney fees under MCR 3.206(D)(2)(b) is "not appealable of right" and instead has "to be brought [to this Court] by application for leave to appeal[.]" *Uddin v Mukarram*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 377981); slip op at 1, 3-4. To the extent *Uddin* may impact defendant's ability to challenge the trial court's postjudgment fee award through an appeal by right, in the interest of judicial economy, we exercise our discretion to treat defendant's claim of appeal regarding that matter as a granted application for leave to appeal. See, e.g., *Botsford Continuing Care Corp v Intelistaf Healthcare, Inc*, 292 Mich App 51, 61; 807 NW2d 354 (2011).

[15] As noted, in January 2025 (approximately four months after plaintiff filed her request for postjudgment attorney fees), defendant filed for bankruptcy, which automatically stayed the proceedings in this case until that stay was lifted in April 2025.

to comply with a previous court order, despite having the ability to comply, or engaged in discovery practices in violation of these rules."

On appeal, defendant argues that the trial court reversibly erred in awarding these fees because, in doing so, the court miscalculated his monthly expenses and thus misjudged his ability to pay the fees as well as his ability to pay the court's prior fee award. As noted, however, nearly nine months elapsed between plaintiff's first request for these fees and the court's hearing on the matter, and plaintiff supplemented her request twice during that time. Plaintiff's filings included detailed information regarding her financial circumstances, the hourly billable rates of her attorney, the total amount of fees she incurred during the postjudgment proceedings, and the reasons those fees were incurred. At no point prior to the hearing, however, did defendant file a response.[16] It was only during the hearing, and when the court pressed him to do so, that defendant and his counsel provided information regarding his monthly expenses, which the court then relied upon and endeavored to tabulate in making its ruling at the hearing. While defendant now criticizes the rigor and accuracy of the court's efforts in that regard, he ignores how his own actions (or lack thereof) enabled or contributed to any such errors. See *Cassidy*, 318 Mich App at 476 (explaining that an aggrieved party is precluded from seeking appellate relief from an alleged error "to which [he or she] contributed by plan or negligence") (quotation marks and citation omitted).[17]

Furthermore, the trial court's award of fees was not premised only on matters potentially impacted by defendant's claimed miscalculations. As this Court has made clear, MCR 3.206(D)(2)(a) and (b) "provide[] two independent bases for awarding attorney fees and expenses." *Richards*, 310 Mich App at 700. And as noted, the trial court identified MCR 3.206(D)(2)(b) as one basis for its fee award because of defendant's numerous instances of noncompliance with discovery and court orders, which were by no means limited simply to his failure to pay the initial fee award. See *Cassidy*, 318 Mich App at 480-481. Plaintiff's fee request detailed the extensive efforts she was required to undertake as a result of defendant's noncompliance. For instance, plaintiff had to move to enforce the court's prior status quo order when defendant was not complying with its terms in various respects. Plaintiff also had to take multiple legal steps in response to defendant's failure to turn over 55% of his remaining retirement assets to her as required by the judgment of divorce. This included filing motions to compel discovery and to compel defendant to appear for a deposition, as defendant never responded to plaintiff's requests for information regarding his finances and remaining retirement funds and had

[16] While, due to defendant's bankruptcy proceedings, this case was stayed for roughly two and a half of the nine months between plaintiff's initial fee request and the court's ultimate hearing on the matter, that still left ample time on either side of the stay for defendant to file a response.

[17] Similarly, defendant argues that the trial court erred by concluding that plaintiff was unable to pay without making any findings to that effect at the hearing. But the record before us reflects that the court specifically asked plaintiff's counsel about plaintiff's employment at that time to determine if there had been any change in her financial circumstances and thus her ability to pay the fees. Furthermore, defendant's arguments on appeal regarding plaintiff's ability to pay largely repeat those already rejected above, in connection with his challenge to the court's initial award of attorney fees. We see no basis, in the record and arguments properly before us on appeal, to assign reversible error to the trial court as to this issue.

failed to appear for a deposition scheduled to gather that information. After several more months of filings and communications with defendant's attorney regarding the remaining retirement funds that had been awarded to plaintiff, plaintiff eventually obtained a stipulated order in which the parties agreed that defendant was to transfer those funds. That order provided that both parties were to "cooperate in taking all steps necessary to accomplish the transfer of funds" and were to "do so in a timely manner." The transfer, however, ultimately took months to accomplish, as defendant refused to timely cooperate with various steps necessary to effectuate it. Defendant disputes plaintiff's version of events regarding these matters, but he has not shown reversible error in the trial court's determination of noncompliance based on the record before it. Nor has defendant shown how any miscalculation of his monthly expenses by the trial court may have meaningfully undermined the court's conclusion that he had the ability to comply with respect to these matters but did not. In sum, given the evidence and arguments presented to the trial court, including defendant's own deficiencies in such presentation, defendant has not shown entitlement to relief based on his claimed errors in the court's calculation of his monthly expenses.[18]

Defendant next argues that the trial court reversibly erred by awarding the full amount of the postjudgment fees requested by plaintiff without first holding an evidentiary hearing on their reasonableness, and that the court's failure to hold such a hearing violated his due-process rights. But below, defendant never challenged the reasonableness of the fees or suggested an evidentiary hearing was needed to determine their reasonableness. See *Walters v Nadell*, 481 Mich 377, 388; 751 NW2d 431 (2008) (noting that "a party may not remain silent in the trial court, only to prevail on an issue that was not called to the trial court's attention"). As discussed, defendant never filed a response to plaintiff's fee request or her supplements thereto. And although defendant, his attorney in this case, and his bankruptcy attorney all appeared at the hearing on plaintiff's fee request—at which the court addressed the reasonableness of both the attorney's billable hourly rate and the fees plaintiff incurred during the postjudgment proceedings—none of them challenged the reasonableness of those fees or requested an additional evidentiary hearing to further address that point. Simply put, defendant did not adequately raise these issues below; as such, he has failed to preserve them for appellate review, and we see no basis to overlook that failure. See *Tolas Oil & Gas Exploration Co v Bach Servs & Mfg, LLC*, 347 Mich App 280, 289; 14 NW3d 472 (2023) (explaining that, because "Michigan follows the 'raise or waive' rule of appellate review," this

[18] Defendant also argues that the trial court erred by awarding fees despite the fact that he "was in an active Chapter 13 bankruptcy" and was thus clearly in financial distress and "unable to immediately comply with large monetary orders." There is no dispute that the trial court was well aware of defendant's bankruptcy; indeed, as noted, defendant filed for bankruptcy roughly four months after plaintiff filed her initial postjudgment fee request, resulting in a stay of proceedings in this case which was ultimately lifted to permit the resolution of that pending request. The record also reflects that neither plaintiff nor the court was demanding that defendant repay the full amount of attorney fees owed all at once. And defendant has not offered, nor have we found, any authority providing that the commencement or pendency of bankruptcy proceedings categorically precludes a court from awarding attorney fees incurred in a separate domestic-relations action under MCR 3.206(D)(2), or otherwise indicating that the trial court reversibly erred by awarding such fees in this case despite those proceedings.

Court is not obligated to consider an issue that a litigant does not properly raise in the trial court) (quotation marks and citation omitted).

Lastly, defendant criticizes the trial court's fee award as creating a "circular and punitive cycle" under which he is punished for not paying attorney fees he has no such ability to pay, "which in turn creates a new, larger debt he cannot repay." We see no legal merit in this criticism here. For the reasons discussed, defendant has failed to show a reversible error in the trial court's handling of the instant fee request, based on the evidence and arguments the respective parties did (and did not) properly present to the court. To the extent defendant is concerned with the prospect of future fee requests, they are not presently before us and, should they arise, we see nothing about the trial court's disposition of the instant fee request that would prevent defendant from duly contesting them.[19]

Affirmed.

/s/ Andrew J. Lievense
/s/ Brock A. Swartzle
/s/ Philip P. Mariani

[19] In a related vein, we note that plaintiff, in responding to defendant's brief on appeal, argues that this Court should award her attorney fees related to this appeal under MCR 3.206(D)(2)(a). We decline to reach this matter in the first instance as we do not believe it has been adequately presented for our review. We express no opinion on the potential merit of such a fee request should plaintiff choose to pursue it in the trial court.