

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Grove and Grove</i> 280 Or 341 (1977) <i>modified and rehearing denied</i> 280 Or 769 (1977)	23 years	\$1500/mo. net	\$ 320/mo. net	\$200/mo. x 2 years 300/mo. x 3 years 125/mo. permanent	Lead case: support keyed to new training for Wife; Husband had child support obligations of \$500/mo. <i>but when satisfied no increase in permanent support awarded</i> because Wife received house with low monthly payment.
<i>Earwood and Earwood</i> 69 Or App 339 (1984)	14 years at decree			5 years	Court stated a 37-year old woman with reasonable prospect of employment should <i>not</i> get permanent support after 14 years.
<i>Boeckel and Boeckel</i> 89 Or App 174 (1988) (Richardson, Newman, Deits)	11 years	\$39,578/yr. gross	none	\$500/mo. x 2 years 300/mo. x 3 years	Reversed award of \$200/mo. x 4 years saying wife needed training; Wife was high school graduate with no work experience; <i>inadequate</i> award.
<i>Richardson and Richardson</i> 307 Or 370 (1989)	19 at separation 25 at decree	not stated (\$70,639/yr. gross)	\$633/mo. net	\$680/mo. x 2 years \$500/mo. permanent	Because of long separation and wife's boyfriend and her parents, this case must be viewed with caution.
<i>Baumgartner and Baumgartner</i> 95 Or App 723 (1989) (Edmonds, Riggs, Joseph)	8 years	\$50,000/yr. net	none	5 years	Wife ill and "likely" will recover in 3-5 years; reversed order of lower court requiring wife to submit medical information annually.
<i>Knox and Knox</i> 96 Or App 333 (1989) (Riggs, Joseph, Edmonds)	20 years	\$28,000/yr. net	\$5,700/yr. net (poor health)	\$700/mo. permanent	Wife had limited job skills; court felt she would not improve with training; trial court awarded \$500/mo. x 3 years and \$250/mo. permanent.

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<i>Barcroft and Barcroft</i> 96 Or App 515 (1989) (Deits)	21 years	\$2,000/mo. net	\$600/mo. net	\$500/mo. x 5 years \$300/mo. x 10 years	Not necessary to equalize income; 41-year-old Wife can get training; not permanent because of Wife's <i>youth</i> and ability to work.
<i>Kernan and Kernan</i> 97 Or App 362 (1989) (Rossman)	30 years	52	51	\$500 x 12 mos. \$400 until retirement \$200 after retirement	Trial court awarded support in lieu of pension benefit; reversed: one-half marital share of pension and spousal support <i>after</i> retirement.
<i>Graf and Graf</i> 97 Or App 425 (1989) (Deits)	18 years	\$2,700/mo. net	\$14,000-17,000 yr. (anticipated -- net or gross?)	\$1,000/mo. x 2 years 700/mo. x 4 years 500/mo. x 4 years AT TRIAL: \$800/mo. x 6 years 500/mo. x 5 3/4 yrs	Husband to pay \$250/mo. x 2 child support to 42-year-old Wife with degree but no work history; trial court awarded 13-3/4 years of support; court says this compensates Wife for disparity, provides "not overly disproportionate" income and tells Wife not to look to Husband indefinitely.
<i>McRae and McRae</i> 98 Or App 66 (1989) (Richardson)	10 years	\$2,642/mo. net	\$710/mo.	\$650/mo. x 4 years 300/mo. x 3 years	Wife is 28 years old; 2 children awarded jointly with physical custody to Husband; Husband a lineman and Wife a bookkeeper who wants to be CPA; court reversed award of \$250/mo. permanent; this allows wife to attain proportionate living standard; Wife ordered to pay \$50/mo. x 2 children as support.
<i>Jenkins and Jenkins</i> 98 Or App 699 (1989) (Deits)	18 years	\$45,700/yr. gross	\$25,500/yr. gross	\$250/mo. x 10 years	Wife is 35 years and "relatively young;" again, court say not equitable to look forever to Husband and not equalize income; Husband at PGE for 17 years.

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<i>Mauer and Mauer</i> 99 Or App 188 (1989) (Riggs)	11 years	\$1,500/mo. gross	\$1,000/mo. gross	\$250/mo. x 4 years	What about equality? Husband pays \$275/mo. child support; based spousal on "not overly disproportionate" living standard. What about Husband's standard?
<i>Nelson and Nelson</i> 100 Or App (1990) (Riggs)	19 years	?	/ none	\$300/mo. x 6 years	Wife not high school graduate and worked only part-time sporadically; Husband works regularly and has experience; limited information in opinion. Because of expenses, Husband in better position and can therefore assist Wife.
<i>Johnson and McKenzie</i> 100 Or App 640 (1990) (Edmonds)	17 years (this modification one year later)	\$40,000/yr.	\$5,800/year	\$500/mo. x permanent	Wife got lupus - modification proceeding; original order assumed Wife could work full time and now cannot.
<i>Snyder and Snyder</i> 102 Or App 41 (1990) (Rossman)	28	48 \$6,537 (from family business established with Wife)	47 \$1,345 from assets	\$800/mo. permanent	Wife received house with no mortgage and contributed to Husband's business and can work.
<i>Curtis and Curtis</i> 102 Or App 252 (1990) (Deits)	11 + 4 years living together	39 \$32,000	34 \$541/mo. Social Security	\$350/mo. permanent	Wife became totally disabled in marriage; prescriptions of \$500; Husband pays because he has ability.
<i>Parton and Parton</i> 102 Or App 518 (1990) (per curiam)	15 years	43 \$40-\$45,000/yr.	37 \$5/hr.	\$800/mo. x 2 years 300/mo. x 3 years	Wife in school - no children; Wife has ability to work and will go to school.

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<i>Latimer and Latimer</i> 103 Or App 43 (1990) (Rossman)	18	50 \$4,000/mo.	47 "0"	\$1,000/mo. x 2 years 750/mo. permanent \$1,200/mo. was "excessive"	Wife is <i>not</i> old and has <i>obligation</i> to contribute; Wife a college graduate with some education beyond college but no work experience and has headaches 3 days/mo.; Wife gave up work to be homemaker; she is expected to work part-time and go to school.
<i>Howard and Howard</i> 103 Or App 171 (1990) (Rossman)	20	\$150,000/yr.	student	\$2,100/mo. x 1 year \$1,750/mo. x 4 years or until finishes school, whichever first	Five-year separation and wife lived with a wealthy man - look to reason for support: Wife needs help to obtain degree.
<i>Thompson and Thompson</i> 103 Or App 458 (1990) (Deits)	7	38 attorney for public agency	31 legal secretary	\$450/mo. x 3 years	Wife had same job as when married; support necessary to allow Wife to achieve economic standard of living not disproportionate to that of marriage.
<i>Dull and Dull</i> 104 Or App 275 (1990) (Deits)	2 years living together wyth 4 years married	49 \$35,00-47,000/yr. at dissolution	49 \$9,000-21,400 during marriage; "0" at dissolution	\$500/mo. x 2 years	Wife got more property because of premarital assets and lower earning capacity; support to become self-sufficient and to achieve economic standard of living not disproportionate to that of marriage.
<i>Wight and Wight</i> 105 Or App 188 (1991) (Rossman)	5 1/2 years	46 \$51,558/yr. (avg) \$6,000/mo. for 2 years before trial	44 \$8,800/yr +child support of \$640/mo. from first husband	\$1,200/mo. x 3 years 500/mo. x 1 year	Wife gave up spousal support from first husband; court says that not basis for spousal support but sufficient other reasons (education and standard of living, etc..) for support; length of marriage not determinative; primary reason was for education and Wife's lost opportunity to get it.

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<i>Prescott and Prescott</i> 107 (Or App 14 (1991))	37 years	55 \$24,600	56 \$11,000	\$400/mo. permanent	Wife had to pay judgment of \$10,000 to Husband over ten years to equalize property; no setoff.
<i>Burns and Burns</i> 107 Or App 167 (1991)	10 years	32 \$4,500	37 \$500 (part-time house cleaner)	\$500/mo. x 2	Wife got money for retraining; Husband said Wife could have worked at job for more money; Husband had masters degree and Wife had a GED.
<i>Stuart and Stuart</i> 107 Or App 549 (1991) (Edmonds)	16 years	39 (doctor - \$150,000+)	45 (nurse - part-time at \$1,000 and plan to get masters and earn \$25,000)	\$1,500/mo. permanent + \$10,000/yr. x 2 years for school expenses (trial court gave 4 years of support)	Wife put Husband through medical school. The long-half of property to Wife \$117,000 to \$72,000; no property interest in a degree - recognition of Wife's contribution and because of disparity gave permanent. (NOTE: LOW AMOUNT OF PROPERTY)
<i>Helm and Helm</i> 107 Or App 556 (1991) (Edmonds)	23	46 \$38,613/yr.	46 Part-time teacher - wants masters	\$600/mo. permanent	Wife got permanent support because of foregone opportunity to advance her teaching career in order to raise children; Wife also got extra \$20,000 as gift to her during marriage.
<i>Mangelsdorf and Mangelsdorf</i> 107 Or App 683 (1991) (Newman)	6	attorney	legal secretary	\$500/mo. x one year	Husband used Wife's assets and money during marriage.

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<i>Overby and Overby</i> 107 Or App 703 (1991) (Deits)	24 (separated 4 1/2)	50 \$1,700-1,900/mo. (has child with domestic associate)	49 \$396/mo. Social Security for mental disability. No earning capacity.	\$400/mo. as of appellate decision	Emphasis on Wife's need and Husband stable employment even though had debts and child - note 25% of gross.
<i>Wolhaupter-Heinzel and Heinzel</i> 108 Or App 514 (1991)	10 years	44	34	-0-	Husband asked for support because Wife got substantially more property; Court outlined reasons for no support.
<i>Bailey and Bailey</i> 108 Or App 678 (1991) (Rossman)	17 years	41 \$244,000/year	44 In school-hopes for \$24,000 per year	\$5,000/mo. x 4 years \$3,000/mo. permanent	Permanent because Wife contributed to career, low potential earning power, disparity and previous high living standard; Husband engineer at marriage and went to medical school during marriage.
<i>Maidel and Maidel</i> 108 Or App 702 (1991)	17 years (7 year separation)	44 \$768 pension	41 \$2,300 net	-0-	Husband got full pension so court reversed trial court award of alimony - 90% of assets (pension) to Husband; case demonstrates reluctance to award support to men.
<i>Pokorny and Pokorny</i> 109 Or App 503 (1991) (Joseph)	17 years +3 year separation	43 Doctor - \$272,000/year	47 Masters in chemistry in 1970 - 1982 did husband's books. In college to be CPA - last work out of home 1975 - hopes to earn \$40,000	\$6,000/mo. permanent	Compare with <i>Bailey</i> where \$3,000 permanent and Wife earned less - here emphasis on earning capacity, standard of living.

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<i>Goff and Goff</i> 109 Or App 447 (1991) (Rossman)	22 years	Early 40's \$130,000+/year	Early 40's Full-time caregiver to children - part-time clerical at trial	\$2,000/mo. x 2 years \$2,500/mo. until youngest child is not eligible for support \$3,000/mo. permanent	Court says no objection to "step-up" so opinion neutral on subject; <i>permanent</i> because earning capacity difference, standard of living, Wife will not recover economically and joint efforts made Husband successful; opinion emphasis on lifestyle (trips and investments, etc.).
<i>Barlow and Barlow</i> 111 Or App 179 (1992) (Richardson)	18 years	40 \$1,872 + taxes, car & home	37 Part-time minimum wage job	\$500/mo. permanent	Husband a farmer in a family corporation; based on relative financial positions, contribution and medical situation.
<i>Redler and Redler</i> 112 Or App 203 (1992) (Riggs)	19 years	49 \$6,416 (court used weighted average for self-employed person)	43 2-year-old degree; worked for Husband 8 years; \$745/mo.; had nervous breakdown & accident after separation	\$1,000/mo. x 3 years \$ 750/mo. x 5 years	Gave Wife time for education and to get comparable standard of living; this case not consistent with previous decisions.
<i>Coote and Coote</i> 112 Or App 342 (1992) (Rossman)	16 years	53 \$45,000+/yr.	44 High school graduate; \$762-962/mo. from work + rental income (heart problems)	\$1,000/mo. x 2□ years \$ 750/mo. permanent	Wife had two children from earlier marriage and the court considered children in college.

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<i>Moore and Moore</i> 112 Or App 503 (1992) (Deits)	20 years	41 degree in theology, now in law school; used to make \$2500/mo.; now minimum wage	43 School nurse: \$1834/mo.; just began full-time work	NONE 60%-40% property split	Husband in law school because functioning marriage necessary for pastoral work; he will have more career opportunities than Wife after graduation; Wife should not suffer from Husband's lack of income now.
<i>Gagnepain and Gagnepain</i> 113 Or App 56 (1992) (Deits)	25 years	50 \$41,000/yr.	49 Homemaker during marriage; now \$600+/mo. for bus driving	\$ 300/mo. permanent	Wife got \$446 for one child (17 year old) and <input type="checkbox"/> pension <input type="checkbox"/> support independent of award of pension but can review after Husband's retirement on change of circumstances.
<i>Griggs and Griggs</i> 113 Or App 178 (1992) (Rossman)	18 years	41 \$10,000/mo. as attorney	41 In college and wants to be interior decorator at \$20,000/year	\$2,500/mo. x 4 years \$1,000/mo. permanent	Wife had two children from earlier marriage and court considered the children in college.
<i>Malden and Malden</i> 114 Or App 319 (1992) (Deits)	26 years	53 \$5,500 (income from two jobs: money + car + pension)	50 About \$500 part- time; no marital work experience	\$1,750/mo. x 6 years \$1,300/mo. permanent	Based on <i>Latimer</i> ; Wife has a duty to contribute to self-sufficiency and improve skills; Wife in good health but will never achieve Husband's advantageous position.
<i>Getty and Getty</i> 116 Or App 493 (1992) (Durham)	28 years	50 \$38,000/yr. and in school for Masters degree	53 Teacher w/Masters degree; teaches calligraphy in community college and receives royalties; previously made about \$20,000/yr but income declining	\$400/mo. until property sold; \$600 /mo. permanent	Wife put Husband through school; support to maintain lifestyle not overly disproportionate; Husband's earning capacity significantly more than Wife's.

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<i>Ranes and Ranes</i> 118 Or App 264 (1993) (Riggs)	21 years	\$5,232/month	minimum wage potential	\$1,200/mo. "indefinite"	Emphasis on contribution by Wife; suggests use of "indefinite" rather than "permanent" because subject to change; no step-down here, but Wife about 40 (ages not stated).
<i>Spurgeon and Spurgeon</i> 119 Or App 59 (1993) (Deits)	11 years	30 \$1,380/mo.; previously earned \$2,000+/mo. but cared for children for 2 years	29 \$3,000/mo.	\$200/mo. x 2 years to Husband	Wife got 3 kids and \$360 in child support; money awarded because Husband disadvantaged by spending time at home w/kids.
<i>Zeedyk and Swanstrom</i> 120 Or App 6 (1993) (Richardson)	7 years	\$176,000/year surgeon	\$56,500/yr. psychologist (now suffers emotional problems)	\$4,500/mo. x 2 years \$2,000/mo. x 3 years	Wife wanted children; Wife upset because Husband secretly got vasectomy, her earning capacity was impaired as a result; court found Wife self-supporting in marriage and did not support Husband through school.
<i>Furlong and Furlong</i> 120 Or App 105 (1993) (Deits)	17 years	50 in prison 2 years for molesting 2 of Wife's grandsons; previous income as counselor \$40,000/yr.; court predicts \$25,000/yr. after release	56 earns \$1,734/mo.	□ of salary in prison \$450/mo. indefinite 60 days after release	Court gives Wife over □ total income! Court says not speculative in predicting income; perhaps based on age difference though not stated in opinion.

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<i>Hansen and Hansen</i> 121 Or App 86 (1993) (Landau)	8 years	41 \$8,200/mo.	35 no work in marriage; before was hairdresser; now in school to be secretary and expects \$1,000/mo.; capacity found to be \$800	\$1,800/mo. x 6 years	Two kids to Wife; identical lifestyle not required and award must be just and equitable; trial court gave 13 -year support; emphasis on need to care for children and education for Wife; note no step-down <input type="checkbox"/> probably because of Husband's income.
<i>Adams and Adams</i> 121 Or App 187 (1993) (Durham)	23 years	45 unclear from opinion but appears to be almost \$200,000/yr.	46 \$2,000/mo. as reading specialist + investment income; income from judgment for \$988,000; previously helped husband in business.	NONE	Wife received property judgment for \$988,000; because Wife had income from assets and Husband had to pay judgment, no support; her needs met by her own income. No support because of high payments on judgment and Wife could maintain lifestyle.
<i>Harper and Harper</i> 122 Or App 9 (1993) <i>Harper and Harper</i> 122 Or App 9 (1993) (Landau)	22 years	47 attorney; earns \$1,000, potential \$2,500	43 \$1,445/mo. as secretary	\$500/mo. x 2 <input type="checkbox"/> years \$250/mo. x 5 years	Based support on "potential" and no finding that Husband in bad faith with low income. Rejected change-of-circumstance argument. One child at home.

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<i>Hoag and Hoag</i> 122 Or App 230 (1993) (Landau)	18 years	41 \$5,800/mo. tax-free disability income + \$217/mo. for coaching (former dentist)	39 \$400/mo. for preschool work; wants to go to college	\$2,000/mo. x 4 years \$1,000/mo. x 3 years	Two children (16 and 10) to Wife. School will take 5 years so court gave 4 years of support at high amount! Wife relatively young. Wife ran business (net \$400/mo.) so not need indefinite support. Kids in school so will not interfere w/Wife's school. Transition to self-sufficiency is the key.
<i>Christensen and Christensen</i> 123 Or App 412 (1993) (Landau)	21 years	49 Avg. about \$49,000/yr (temporary downturn of income not considered)	42 About \$1,000/mo.; high school graduate	\$ 750/mo. x 8 years	Wife received judgment for property of \$520/mo. (\$49,500 balance); reversed indefinite award and cited health of Wife, need to make transition to economic self-sufficiency and Wife's relative youth.
<i>Risch and Risch</i> 124 Or App 107 (1993) (Durham)	26 years	49 \$45,000/yr.	44 \$26,000/yr (4 years of work experience; has no health or retirement benefits)	\$1,000/mo. x 2 years \$ 750/mo. x 8 years	Wife's career just beginning because she gave up work to care for children. No permanent support because discrepancy between incomes will diminish with time and Wife already has education for her employment. Career not limited by obligation to care for children.

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<i>Truitt and Truitt</i> 124 Or App 531 (1993) (Deits)	15 years	46 \$6,900/mo. (earnings + free housing)	49 \$638/mo. (21-year- old Masters degree and limited work experience; suffers post-traumatic stress syndrome)	\$1,500/mo. "indefinite" (reduced trial court award of \$2,000/mo. indefinite)	Wife is disabled and suitable job opportunities not available; award reduced because of Husband's support obligation of \$1,000/mo. to two minor children. Reduced trial court award because Wife can work part-time.
<i>Randle and Randle</i> 125 Or App 166 (1993) (Edmonds)	29 years	51 \$3,161/mo. (inherited \$14,000 during pendency)	51 \$924/mo.	\$1,119/mo. "indefinite"	In addition to support, Husband required to pay \$49,000 at \$5,000/yr. to equalize property □ this decision made when Husband intends to retire at 54; required to use assets to pay! <u>Bad precedent!</u>
<i>Robinson and Robinson</i> 125 Or App 244 (1993) (Landau)	14 years	41 \$3,128/mo. (registered nurse)	39 \$1,386/mo. (secretary)	\$300/mo. x 7 years (reversed "indefinite" trial court award)	Two children and child support of \$623; Wife young and must end dependency on Husband.
<i>Conser and Conser</i> 128 Or App 377 (1994) (Edmonds)	14 years	53 \$3,000-\$4,000/mo. (real estate sales)	46 (homemaker) (good health)	\$1000/mo. x 2 years + \$750/mo. x 3 years (based on Husband's ability and disparity)	Husband had custody of one child-- premarital assets not shared. Husband received \$157 in child support from Wife--spousal support based on Husband's ability and capacity.
<i>Scott and Scott</i> 128 Or App 294 (1994) (per curiam)	30 years			\$325/mo. "indefinite"	Trial court award of four years reversed because of length of marriage and permanent disparity of earnings.

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<i>Rossi and Rossi</i> 128 Or App 536 (1994) (Landau)	19 years	41 \$5863/mo. Account manager for corporation	41 housewife Bachelor of Arts degree with work experience 9 years ago. Potential income of \$28,000/yr.	\$1800/mo. x 2 years \$1000/mo. x 2 years \$750/mo. x 4 years (reversed--indefinite award of \$500)	Two children, ages 9 and 13. Award of indefinite support reversed because Wife capable of self-sufficiency based on experience and relative youth--Wife expert said she could earn \$28,000 within 6 years (substantially similar lifestyle?)
<i>Maxwell and Maxwell</i> 128 Or App 565 (1994) (Landau)	15 years	45 self-employed with variable income found to be \$90,000/year	47 1 year college. Housewife at trial with little work history for 15 years.	\$1750/mo. x 5 years \$1000/mo "indefinite"	Disparity of earnings and Wife's lack of work experience. Amount based on Wife's ability to contribute to self-sufficiency.
<i>Nightwine and Nightwine</i> 129 Or App 358 (1994) (Landau)	44 years	62 \$2107 plus bonuses up to \$700/(will retire at 65) plus interest income in assets of \$600	61 No work for 20 years and adult disabled child at home with her but has \$600 of interest income.	\$750/mth "indefinite"	Reversed award of \$300 by trial court based on age, absence from job market and disparity of income.
<i>Leslie and Leslie</i> 130 Or App 327 (1994) (Landau)	17 years	55 Physician \$150,000 to 1991 and then \$119,000 per year	46 Previously worked for Husband at \$30,000 and now at \$16,000 but could make \$30,000 to \$35,000 per year	\$3000 for two years; \$1500 for two years (reversed \$3000 for 10 years)	Wife at home part-time to care for child and to get schooling; court divided inheritance of \$250,000 and gave Wife long 1/2 of the assets--\$500,000 to \$698,000; court reversed award of \$3000 for 10 years; Wife is "relatively young and able to earn \$3000 per month and can achieve standard of living not disproportionate."

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<i>Goodman and Goodman</i> 131 Or App 149 (1994) (Warren)	20 years	47 \$4924 per month	45 \$1903 part-time as a nurse (has Bachelor of Arts degree)	\$800 for five years; \$600 for 2 years; \$500 for 3 years	Court reversed award of \$800 for 5 years; \$600 for 6 years and \$500 indefinite to <u>end support dependency</u> relationship in reasonable time. Based on age and work ability to be self-supporting
<i>Sigler and Sigler</i> 133 Or App 68 (1995) (Landau)	16 years	41 \$4333 per month as laborer with \$700 of total income as overtime pay. Husband says it will be discontinued. Also has health problems.	39 Full-time student at community college wanting Master's degree--cares for 3 children--9, 11, 13--previous work experience	\$850 for five years	Trial court did <u>not</u> include overtime but awarded \$1000 for five years. While court can look to "potential" income, insufficient evidence <u>here</u> to say Husband will not work overtime--at trial, no evidence that health concerns prevent overtime--Court said \$1000 "excessive"--Court expected Wife to work.
<i>Ley and Ley</i> 133 Or App 138 (1995) (Deits)	14 years	41 \$21,666 per month Executive 1 year before received \$7,500 bonus but no bonus anticipated for year of dissolution	37 Homemaker 1 year of college before marriage and limited part-time work--two children with custody, 12 and 10	\$9,075 for 6 months \$8,000 for 6 months \$6,000 for 2 years \$4,000 for 4 years \$1,500 for 8 years	Court reversed permanent support of \$1500 and longer and higher stepdown--spousal support not eliminate all disparities if self- support possible at a reasonable level--Wife made contribution <u>but</u> objective is to end support dependency--Wife is relatively young and has ability to contribute to self-sufficiency--high amount needed to help pay \$3600 mortgage until house sells--living standard goes down in most dissolution cases--purpose of stepdown to give Wife time to develop skills.

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<i>LaFrance and LaFrance</i> 134 Or App 76 (1995) (Riggs)	22 years	47 Physician \$7917 per month 2 kids with him	55 Master's degree before marriage-- suffers bipolar disorder--no work in marriage to care for children	\$3,000 indefinite	Court not required to equalize incomes. Long absence from job market and impaired earning capacity justify award. Wife paid \$682 in child support.
<i>Cookson and Cookson</i> 134 Or App 357 (1995) (Riggs)	16 years	49 Physician and weight loss business operator--\$10,000+ per month	42 High school graduate--about \$4300 from work and property-- opinion unclear	\$1000 indefinite	Strong showing of contribution to Husband's practice with office and bookkeeping work; Wife received \$1000 per month for two children; length of marriage, contribution to practice, standard of living and absence from job market are reasons for award. Each party received \$510,000 in property.
<i>Tofte and Tofte</i> 134 Or App 449 (1995) (Riggs)	19 years	35 High school graduate; works in family business; \$6000 per month with salary and bonus	34 9th grade education; needs 3 years to get through community college; will earn \$1200 per month; suffers from depression	\$1300 for 5 years \$800 indefinite	Husband testified he received no bonus but after trial, he received one and court allowed evidence on new trial motion. Support based on health, disparity of capacity, and future expectations.
<i>Recht and Recht</i> 136 Or App 324 (1995) (Riggs)	26 years	48 Electrical engineer "Net=\$4025"	45 Administrative Assistant "Net=\$1360" (in college with graduation anticipated in 5 years	\$1200 for 6 years \$400 indefinite	Support is not to equalize incomes but to allow standard of living not overly disproportionate. Support allowed so Wife will complete school and increase income. Husband has specialized work and education. Wife will never equal Husband's income.

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<i>Arnot and Arnot</i> 136 Or App 347 (1995) (Riggs)	14 years	34 In school; supported by parents and Veteran's pay; after graduation, will earn \$2000 in 18 months	34 Not work; bipolar victim	\$350 for 18 months \$500 indefinitely	No children. Support to assist Wife because of mental illness and lack of earning capacity. Support must not impair payor's earning capacity. Reversed trial court award that would have forced Husband to quit school.
<i>Taylor and Taylor</i> 136 Or App 416 (1995) (Landau)	28 years	49 \$2100 as mechanic	49 Best prospect is minimum wage--limited experience	\$250 indefinite	One child so less money because of child support and Husband's needs. Goal was to end support dependency but cannot do without a working hardship.
<i>Olsen and Olsen</i> 137 Or App 8 (1995) (Deits)	7 years	30 \$2678 as resident--beginning 4 months after trial. \$8000+ per month as Navy physician	30 College graduate--needs one year more for teaching certificate and parties agree she will care for child at home for 3 years	\$500 for 4 months; \$2,000 for 7 years	Court did not apply enhanced earning statute retroactively--court recognized Wife's contribution to Husband's earning capacity and her need to establish economic viability as well as care for child.
<i>Alls and Alls</i> 137 Or App 32 (1995) (DeMuniz)	13 years	53 \$2670 at trial but can be \$5000 per month as truck driver	38 \$341 per month in Social Security and welfare; will be \$1500 per month when completes community college	\$200 indefinite	Substantially long 1/2 of assets awarded to Wife--award based on length of marriage, disparity in earnings, and Wife's absence from workforce--one child with Wife.
<i>Day and Day</i> 137 Or App 264 (1995) (Armstrong)	9 years (1 year living together)	engineer--\$4100 capacity	in school--\$823 capacity	-0-	Court divided \$500,000 of inherited assets equally to give each party economic self-sufficiency.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Pugh and Pugh</i> 138 Or App 63 (1995) (Riggs)	20 years	46 Receives 80% of \$6834 from personal injury settlement plus social security and workman's compensation-- paraplegic	45 Receives 20%--cared for Husband for 14 years after accident	-0-	Court divided tax-free income as property and said would not be appropriate to create taxable income.
<i>Crump and Crump</i> 138 Or App 362 (1995) (Haselton)	10 years at separation	Mid-40's Postman at \$3,333 with overtime. Court found income includes overtime even though Husband said just to pay bills and would then end.	Mid-40's \$1,600 to \$1,700 at separation as a waitress. Took job at Forest Service at \$625 part-time hoping to go to \$1,200 full-time.	-0- Court found capacity to be \$1,700 plus \$200 from child support arrearage on adult child and this sufficient for her lifestyle.	No evidence of contribution to Husband's education and no need for retraining. No transitional needs and marriage not lengthy. No evidence of why Wife took lower paying job so court used capacity as in <u>Auld 72 Or App.</u>
<i>Colling and Colling</i> 139 Or App 16 (1996)	33 years	58 Retired school teacher on PERS at \$2,343 plus \$388 from separate pension and \$1,000 from rentals.	54 Professor at OHSU at \$3,354/month. Will retire in 4 years.	\$500 for 2 years to Husband	Court determined <u>for this case to get</u> an equitable property result that the Husband's retirement income was property so gave limited support to him. Husband can go back to work and support himself and reduce income disparity. End support in two years so Husband can transition to self-support. Wife will probably retire then.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Eidlin and Eidlin</i> 140 Or App 479 (1996) (Riggs)	21 years	47 (at dissolution in 1993) engineer and attorney since 1992 \$4289/month	47 (at dissolution) teacher with Master's degree and 6 years experience of work in 1993 \$2699/month ("relatively young")	\$500 for 7 years	The parties reserved court's ability to give support because Husband had temporary job at dissolution. Award based on high standard of living and "extras" for two children with Wife (ages 16 and 13). Third child (age 19) with Husband. Without this, the court would have said that Wife is self-supporting because of job, experience, retirement and assets (\$180,000). <u>Important</u> case to read.
<i>Krutsinger and Krutsinger</i> 140 Or App 215 (1996) (Riggs)	18 years	51 \$5573 per month insurance sales	46 \$2045 per month teacher (new job) (last 14 years, worked for Husband as no salary)	\$1000 for 5 years	Wife will have standard of living not disproportionate and will get increased income. Support eases transition to financial independence and compensates her for lower income due to work for Husband. Support is not to equalize incomes.
<i>Phillips and Phillips</i> 140 Or app 354 (1996) (Landau)	13 years (Lived together for several years before marriage)	36 \$2677 per month as millwright	35 unemployed--variety of experience--lives with boyfriend and her child	\$500 for two years then \$300 for five years	Wife did not list expenses and the court did not comment on the boyfriend's responsibility. Support based on Wife's share of bills, need for support to transition to job market and self-sufficiency. Modest standard of living noted.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>McLennan and McLennan</i> 140 Or App 379 (1996) (Leeson)	17 years	39 \$3277 per month (two jobs, worked full-time and almost 1/2 time on second job)	38 \$823 per month (presumed--Wife works part-time for about \$750) ("relatively young")	\$900 for 4 years \$700 for 2 years \$500 for 2 years	Wife worked early in the marriage and Husband received Master's degree. Wife cared for children but each had two children at the dissolution. Modest standard of living. Wife compensated for contribution to Husband's earning capacity. \$900 allows Wife to attend school part-time and pursue career objectives. Indefinite support not warranted because Wife relatively young, good health and will work full-time. Husband works over full-time so no permanent support. (Riggs dissented.)
<i>Edwards and Edwards</i> 141 Or App 11 (1996) (Deits)	20 years	59 \$10,320 per month	60 worked 26 years then injured after 7 years of marriage. Helped Husband in business--earned under \$2,000 per year since injury.	\$2,800 until Wife eligible for social security and then \$2,200 indefinitely	Wife received property settlement judgment of \$240,767 plus 9% interest in addition. Support based on age, dependence, standard of living and disparity in incomes.
<i>Mills and Mills</i> 141 Or App 58 (1996) (Edwards)	22 years	41 owns business	41 worked with Husband and has real estate license ("relatively young")	\$1,500 for 4 years	Wife is relatively young and in good health. Wife received \$186,000 judgment and other assets. Support eases transition to independence. Indefinite support not justified.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Kahle and Kahle</i> 141 Or App 97 (1996) (Haselton)	21 years	early 40's ranch manager approximately \$3,000 per month plus home, car, retirement, and land to grow food--court determined about \$5,000 per month	early 40's part-time at about \$1,000 per month breast cancer victim and needs medical care plus reconstructive surgery	\$1,000 for 6 years	Major contribution by Wife to Husband's work and career. Wife needs help because of health and even if she works full-time, her lifestyle is not now comparable to that of the marriage.
<i>McDonough and McDonough</i> 141 Or App 116 (1996) (Haselton)	18 years	53 janitorial service \$1,200 per month plus \$500 from trust and \$174 from pension	53 injured and not able to work full- time in 11 years-- sells Avon for small income-- \$436 per month from social security--\$500 from trust and \$174 from pension	\$500 until Husband is 62 and then \$378 (Wife gets \$122 from pension of Husband's at that time)	The trial court limited support until Husband is 62. The court kept support indefinite because no proof Husband would retire at 62. Support based on Wife's disability.
<i>Harris and Harris</i> 142 Or App 427 (1996) (Landau)	30 years	51 \$6600 plus bonus yearly as brakeman/conductor	48 in school to become a nurse--no real work history-- poor health	\$1,600 for 10 years	Wife <u>did not seek</u> indefinite support. Wife wanted support until Husband retired or she worked full-time. Court required specific limit for support for school plus transition. If income sufficient for self-support, then Husband can make motion.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Mask and Mask</i> 143 Or App 377 (1996) (Deits)	21 years	52 \$12,600 per month millworker and part owner	45 \$1,280 per month for 10 months a year school aide--cared for children primarily	\$1,000 indefinitely	The disparity of incomes was great and likely to continue because Wife will not significantly increase her income. Frugal lifestyle not determining factor; <u>the needs and ability to pay are the key</u> . Wife also receives \$1,600 per month on property settlement judgment for 6□ years and she received \$100,000 in other assets.
<i>Fink and Fink</i> 1430 Or App 613 (1996) (Landau)	18 years	38 \$3,542 per month high school graduate managed foster care in home--two children in custody	36 \$823 per month high school graduate desires college degree--very little work experience	\$1,000 for five years (pays over \$400 in child support)	Wife is young and needs five years to transition to self-sufficiency. Length of marriage alone not reason for permanent support. Needs support because of standard of living.
<i>Thiele and Thiele</i> 144 Or App 427 (1996) (Edwards)	22 years	44 \$5,000 as cabinet maker	47 \$2,700 as biogeographer Master's degree	\$300 for three years	Most significant factor in awarding indefinite support is whether spouse has income not overly disproportionate to standard of living during marriage. Disparity alone <u>not</u> a reason for indefinite support. Here Wife did not forego work opportunities, did not suffer diminished capacity due to marriage and did not make her career subordinate to Husband's.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Landsern and Landsern</i> 144 Or App 555 (1996) (Leeson)	17 years	49 \$1,873 plus expenses car salesman previously had car dealership and earned \$40,000 per year--court found he could earn up to \$3,200 per month--\$2,200 capacity relied on by court	55 \$823 seasonal sales-- some minor health problems-- previously worked for Husband and earned \$20,000 to \$24,000 yearly--no transferable skills	\$550 for 2 years \$350 for 2 years \$150 indefinitely	Court sees to rely on Husband's higher capacity and his apparent temporary low income because of previous success. He also paid child support for one child.
<i>Gudmundson and Gudmundson</i> 145 Or App 135 (1996) (Leeson)	7 years (together 5 years)	33 \$5428 per month average (most of opinion on Husband's evidence of income and expenses)	30 secretary at \$1,386 plus \$262 from social security for disabled child who has muscular dystrophy that is progressive. Husband adopted child.	\$1500 for three years	To establish income when it is disputed, look to historical average (<u>Mask and Mask</u> , 143 Or App 377 (1996)). The award was structured so Wife can get education to increase income and care for child who will be bedridden in 10 years. Wife not contribute to Husband's income or ability to earn.
<i>Schnebly and Schnebly</i> 145 Or App 188 (1996) (Haselton)	13 years (lived together 1□ years before the marriage)	36 pharmacist (in school at marriage) \$6,000 per month plus obtained Master's degree in hospital administration	40 Master's degree in counseling when married--received Ph.D. 2 years before trial--\$1,700 plus \$400 from trust	\$1,000 for 4 years \$750 for 2 years \$500 for 2 years	Recognition that Wife is in academics and needs support to obtain similar standard of living. Husband agreed to her program and Wife contributed to his increased earning potential.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<p><i>Denton and Denton</i> 145 Or App 381 (1996) (Landau)</p> <p><u>REVERSED:</u> 326 Or 236 (1998) (Gillette)</p> <p>But spousal support not mentioned; reversed on "enhanced earnings"</p>	14 years to separation in 1990 lived together for a "few" years before marriage; trial in 1994 so total then of 18 years	45 at trial Master's degree at marriage; medical school beginning after 2 years of marriage; \$12,300 per month at trial	45 at trial LPN at marriage with high school diploma; graduated from college <i>magna cum laude</i> in 1991; no children	\$4,000 for 4 years \$2,500 for 3 years \$1,500 for 3 years	The court reversed and indefinite award and denied "enhanced earning capacity" award. Wife did not forego educational or work opportunities in marriage. During Husband's residency, Wife began college and ceased work. Support awarded to enable standard of living not overly disproportionate and keep in mind need to end dependency. Wife is "relatively" young. The court considered her need for Master's degree and her contribution to Husband's medical degree. NOTE: \$4,000 per month at approximately \$150,000 income.
<p><i>Larkin and Larkin</i> 146 Or App 310 (1997) (Riggs)</p>	15 years	38 construction superintendent \$3,848 per month	39 medical assistant but trained in medical transcribing that pays more \$1,593 per month	\$500 for 2 years \$250 for 3 years	Court reversed indefinite award of \$250 per month. Wife worked last 8 years and could earn more if she utilized education and perhaps moved. Wife has achieved educationally and in her work so is capable of self-support.
<p><i>Benson and Benson</i> 146 Or App 364 (1997) (Armstrong)</p>	22 years	\$96,000 per year in salary family business	45 high school graduate with no marketable skills. Worked as beautician before 19 year old child born. Has very low self-esteem.	\$3,500 for 4 years \$2,000 indefinitely	Wife also received judgment for \$161,001 due in one year. Four years give Wife time to contribute to her support. Award based on contribution to Husband's high earning capacity and her absence from job market to attend to family. See case for footnote on use of expert witness without witness interviewing Wife.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Davis and Davis</i> 146 Or App 507 (1997) (Armstrong)	8 years	welder \$2,200 per month	injured before marriage in accident and in vocation rehabilitation-- court presumed minimum wage	\$200 indefinitely	Wife required to pay \$200 for child support. Rebutted guideline amount of \$271 because of inability to pay. Wife on public assistance while in rehabilitation. No commentary on why "indefinite" award. Vocational rehabilitation could last for 3 year.
<i>Rykert and Rykert</i> 146 Or App 537 (1997) (Deits)	22 years	48 insurance agent average of \$178,000 per year	45 in college for physical therapy; homemaker and assist Husband in work; when out of school, \$1,900 per month and in 8 years, \$3,500 month; for child support, used minimum wage as potential income because no evidence of presumption rebuttal.	\$4,500 for 2 years \$3,100 for 3 years \$2,600 for 3 years \$1,500 indefinitely	Based on extended absence from job market, substantial disparity in earnings that will remain, contribution to Husband's earning potential, and role in marriage impaired her capacity.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Powell and Powell</i> 147 Or App 17 (1997) (Riggs)	23 years	51 CEO--Sequent \$38,000 per month salary; \$20,000 per month in bonus; \$42,000 per month from options for total of about \$100,000 per month	46 not work for 20 years; court found \$15,000/month from assets of \$2,500,000	\$15,000 for 3 months \$10,000 for 3 months \$6,500 indefinitely	Wife left marriage with \$2,500,000 in assets. Wife's expenses are \$20,000 per month. Court increased trial court by \$1,500 per month indefinitely. Indefinite award based on length of marriage, contribution by Wife to Husband's earnings, Wife's lack of employability, and role as homemaker. Even though Wife was awarded substantial assets, Husband has the capacity to pay and contribute to Wife's standard of living so will not be overly disproportionate.
<i>Pagano and Pagano</i> 147 Or App 357 (1997) (Deits)	15 years	42 anesthesiologist capacity--\$13,318 per month Husband practiced medicine until after case filed and then quit to ranch and raise llamas. Court found Husband depressed due to divorce.	40 \$1,480 per month in disability benefits. Many problems and not able to work as Husband contended. Gambling problem in separation.	\$2,700 indefinite	Husband had custody of 10 year old child. The fact that Wife gambled was not relevant. Support based on amount of funds available, substantial difference in incomes, length of marriage and high standard of living. Court also said no to a set-off of child and spousal support.
<i>Fisher and Fisher</i> 1480 Or App 208 (1997) (Deits)	24 years	42 sales manager of life insurance company \$9,300 gross income and \$4,650 for month for support purposes (excludes renewal income valued as asset)	48 homemaker and in school; earning capacity of \$1,400 to \$1,800 per month	\$1,700 for 4 years \$1,000 indefinitely (NOTE: It is high based on income finding)	Wife received a judgment of \$217,860 for the renewals. Interest cannot be characterized as support by trial court. Need for education, absence to be homemaker and need to lessen disparity are the basis of the award. Court used average and did not consider the temporary downturn of Husband's income.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Smith and Koors</i> 149 Or App 198 (1997) (Richardson)	19 years Separated last 5 years permanently and for about 4 years before temporarily	45 Chiropractor since separation \$2,500 per month (His mother supplemented their incomes)	46 Massage therapist \$600 per month (cares full-time for 8 year old child with Downes Syndrome) (education paid by Husband's mother)	\$435 for 5 years \$250 for 3 years (affirmed lower court)	The needs of the child were not a reason for indefinite support <u>but</u> are a consideration on development of earnings. Support sufficient to help Wife attain standard of living not overly disproportionate to what they would have enjoyed on their own income (without Husband's mother).
<i>Batt and Batt</i> 149 Or App 517 (1997) (Deits)	24 years	52 earnings not stated but about \$80,000 to \$100,000 per year; family farm manager; \$65,000 per year from assets part of gross	50 high school graduate bookkeeper up to dissolution for Husband's business; \$9,000 to \$14,000 per year capacity; cares for autistic child and always will; \$30,000 per year from assets	\$2,000 for 5 years \$1,750 indefinitely	Husband's argument that Wife had sufficient investment income rejected. Court noted Wife's limited earnings due to child care responsibilities. Indefinite support based on earning capacities and standard of living. Also, court noted Husband got long one-half of the assets.
<i>Budge and Budge</i> 150 Or App 209 (1997) (Landau)	25 years	46 MBA degree \$14,750 per month in family business	45 homemaker for years college degree; bookkeeper for 6 years at \$1,000 per month	\$3,500 for 8 months \$2,275 until Husband pays judgment of \$458,544; \$1500 indefinitely	Husband had higher earning capacity due to Wife's long absence from job market. Wife should not be forced to liquidate assets to provide standard of living not overly disproportionate from that enjoyed during the marriage.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Murphy and Murphy</i> 151 Or App 649 (1997) (Leeson)	37 years	retired military, social security and disability	55 cared for Husband	\$500 indefinitely	Trial court terminated support at age 66. Reversed because no evidence Husband's income will decrease when Wife is 66 or that she will self-supporting.
<i>Wilson and Wilson</i> 152 Or App 454 (1998) (Armstrong)	20 years	40 electrician \$4,803 monthly	39 six years as a bookkeeper; now teacher's assistant at \$526 monthly; custody of 3 children (13, 10 &9); children have problems and need Wife at home after school; income potential--\$25,000 to \$30,000	\$1050 for 5 years; \$800 indefinitely	Guidelines were rebutted based on needs of children. Husband paid \$806 in child support. Spousal support award based on length of marriage, Wife living with children for 12 years and the substantial disparity in their incomes that will continue due to Wife staying home with the children.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Short and Short</i> 155 Or App 5 (1998) (Deits)	21 years	46 post-graduate degree in international management; average income was \$1,000,000/year for 4 years; unemployed at trial but had income from a termination agreement and a non-compete contract (consult contract); expert for Husband said income \$200,000/year if in Portland and \$70,000 to \$100,000 if in Bend; on appeal. Husband said earning capacity is \$12,000/month.	44 has three minor children; does not work.	\$5000 for 4 years; \$2500 indefinitely	Wife also received \$3000 for the children. Award based on Husband's capacity. The court obviously felt his income would be higher than he stated. Support also based on length of marriage and the fact that Wife stayed home with children.
<i>Wilson and Wilson</i> 155 Or App 512 (1998) (Riggs)	20+ lived together for 7 years	50 owns and operates a trucking company; \$4,000/month	46 (2 children) little work experience because stayed home for children	\$1500 for 5 years; \$500 indefinitely Remanded after saying award appropriate in this case.	Case primarily is about inheritance and distribution of substantial assets. The court moved more assets to Wife and therefore rewarded so that overall award could be "coordinated to achieve the equitable objectives."

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Thompson and Thompson</i> 156 Or App 470 (1998) (Armstrong)	7 years	41 engineer with State of Oregon \$4315/month received Masters degree after 1 year of marriage	43 part-time teacher in college; \$2250/month; cared for 2 children; one of them needs 2 more surgeries; supported Husband first year of marriage	\$400 for three years	The award was "just and equitable" based on Wife's absence from job market to raise children, child with medical problems, support to Husband for education, difference in earning capacity and disparity in current income.
<i>Michaels and Michaels</i> 158 Or App 58 (1999) (DeMuniz)	25 years for last 20 years have lived apart except for some weekends monthly; Husband made house payments and had medical coverage	46 forester with US Forest Service; \$4,000/month; has Masters degree	48 part-time teacher \$1244/month; lost other jobs due to budget cuts; Masters degree plus hours for Doctorate; serious medical problem; medical expenses of \$10,000 yearly for insurance and uninsured expenses	\$1000 for 7 years \$500 indefinitely	Court rejected Husband's position that separation meant Wife was not entitled to support. Their relationship adapted to their needs. Award based on disparity in incomes and Wife's health problems that make it unlikely she will have increased employment. The step-down was perhaps justified by Wife receiving \$80,000 extra in property due to health.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Waterman and Waterman</i> 158 Or App 267 (1999) (Edmunds)	20 years	39 equipment operator - \$4200/mo before separation - then fired & now earns \$2866/mo	38 2 children 17, 14 - not work out of home until separation - earns \$600/mo 9 mos/yr - wants schooling court utilized minimum wage	\$1000/mo x 2 months \$ 700/mo x 46 months \$ 500/mo x 24 months <u>plus</u> \$182/mo per child for 2 months and then \$220/month per child	Trial court utilized pre-termination income based on Husband's fault in losing job. Court of Appeals ruled support must be based on actual income where there is insufficient evidence to show Husband not working to his potential. For other side of this rule see <i>Pagano, Harper & Gable</i> . 6-year award based on Wife being "relatively young" and appears to have marketable skills; by expiration of 6 yrs children grown; <u>note</u> total support on such low income
<i>Matus and Matus</i> 159 Or App 323 (1999) (Landau)	12 years	\$80,000/yr + bonus	46 - earned \$32,000/yr at separation but quit and moved to California - now volunteers at her sister's church - 2 children 8 and 11	\$750 x 6 years plus \$1,000/mo child support	Trial court award based on formula of 1/2 their marriage; court ruled have to look at all statutory factors and determine what is equitable with goal of ending support dependency; court affirmed award and rejected formula approach to setting duration of support

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Long and Long</i> 159 Or App 471 (1999) (Edmunds)	- 1st married 6 yrs 1981-1987 - cohabited 7 yrs 1987-1994; - Husband married another person for 5 months; - 2nd marriage 1995 and separated 1996 (18 mos total)	53	43	no award	Intervening marriage ended any argument of Wife for a long term relationship. Trial court gave support during appeal and that was sufficient transitional support.
<i>Taraghi and Taraghi</i> 159 Or App 480 (1999) (Deets)	12-year marriage to separation 13□ yr to judgment	39 worked Intel \$91,000/year	35 honors college graduate with work experience and is bipolar; capable of \$2,500/mo	\$1000/mo x 3 years \$750/mo x 5 years	Wife relatively young & well educated but mental condition impairs her ability to fully take advantage of work opportunities; Wife has foregone work to care for children; longer than usual support because of illness
<i>Barnhart and Barnhart</i> 162 Or App 127 (1999) (DeMuniz)	10 years	37 college grad \$7,800/mo as business owner	37 college grad \$1500/mo real estate sales; 5-yr work experience after college at \$30,000/yr; custody 1 child 7 years old	\$1800 \$500 x 2 years for total of 7 years 7 years stepdown from \$1800 to \$500 x 2 with other levels not specified (reversed trial court award of indefinite spousal support)	trial court gave indefinite based on contribution to Husband's career and earning disparity; appellate court gave 7 years with stepdown to enable wife to reestablish career because of absence from market to care for family; court pointed out her substantial earlier work experience

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Goode and Goode</i> (2/9/00) (Edmonds)	15 years lived together 6 years	58 \$6,010/month engineer	\$2,491/month secretary and interpreter	no support (lower court award of \$600 indefinite reversed)	Wife employed throughout marriage and no evidence she suffered a decrease in earning capacity as a result of marriage. Wife awarded considerable property so no support appropriate.
<i>Goode and Goode</i> 165 Or App 327 (2000) (Edmonds)	14 years per court decision (3 years cohab) (date of marriage concerned Dominican Republic divorce recognition)	58 Engineer at \$6,010/mo	50 Secretary at \$2,491/mo	-0- Note: trial court award of \$600 indef. reversed but it was paid during appellate process so Wife received about 2 years of support.	Very short cohabitation and no evidence Wife suffered decrease in income earning ability because of marriage. Wife has award of property and can continue to live not overly disproportionate to standard during marriage.
<i>Bridge and Bridge</i> 166 Or App 458 (2000) (Edmonds)	10 years	73	63 Social Security, retirement income and managed apts.	-0-	Prenuptial Agreement prohibited support. Even though she had no attorney, she knowingly waived support. Wife must show no other reasonable source of support to get spousal. See ORS 108.725(2)
<i>Kroker and Kroker</i> 167 Or App 135 (2000) (Kistler)	32 years	Millwright \$4,800/mo gross \$3,000 net after mandatory deductions	No work in 25 years and has health problems	\$1,500/mo indefinitely	Wife demanded 1/2 Husband's gross. Affirmed lower court and stated that Wife can live a not overly disproportionate lifestyle. Important to put in evidence of net income illustrated here.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Miller and Dailey</i> 167 Or App 253 (2000) (PER CURIAM)	17 years	Unemployed with health problems	Not stated but court says "salary simply covers living expenses for herself and the parties children."	\$100/mo indefinitely to Husband	-Based on length of marriage and Husband's "absolute unemployability" - Support begins with appellate judgment
<i>Smith and Smith</i> 168 Or App 349 (2000) (Brewer)	15 years including 2 years of cohabitation	42 Contractor \$25,000+/mo from business	38 \$3,025/mo working and \$18,000 from assets	-0-	Primary purpose is a proportionate lifestyle. Court should look to property award. Wife received over \$3 million of which \$2,578,000 was cash. Wife proposed sharing profit of business and court rejected that to disentangle the parties. Contended Husband's income \$60,000/mo but court said her income from assets exceeds needs.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Owens and Owens</i> 169 Or App 307 (2000) (Edmonds)	22 years	46 high school graduate about \$3,000/mo average as and employee at tire shop	48 high school graduate - no work for 19 years - stayed home to raise children - will be minimum wage for rest of work life	\$600/mo indefinitely after \$400/mo for 2 years (because of child support obligations)	- 2 children, 16 & 19 - court relies on standard of living but recognizes need to end dependency unless works a hardship - opinion shows importance of accountant testimony to show net income and tax effect of support payment - recognition of difficulty of 50-year old woman entering work force even with some education - indefinite because of length of marriage, impaired earning capacity, limited education, and disparity in income
<i>McCarthy and McCarthy</i> 170 Or App 183 (2000) (Edmonds)	24 years	45 Electrician \$45-\$50,000 in California before moving here and \$20,360 in Oregon - capacity \$3,126/mo	44 no work 18 years - alcoholic with physical disabilities - capacity \$1,126/mo	\$1,000 indefinite reversed \$1,500/mo for 2 years \$1,000/mo for 2 years \$500/mo indefinitely; award here from date of original judgment	Husband got kids; this is highest award of support where income at this level - court determined potential income for each from evidence and used it to calculate support. Strong public policy to allow Wife standard of living proportionate to marital standard. Husband appeared able to produce more income from past experience.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Dopson and Dopson</i> 177 Or App 272 (2001) (Edmonds)	12 years	40 Physician \$13,667/mo (last 2 yrs of residency during marriage)	40 Masters Degree in counseling - not yet licensed to counsel w/o supervision. Potential income \$4,167/mo within 6 mos; increase after one year	\$1,500 for 1 year \$1,000 for 3 years	Husband has custody of 2 children and parties had substantial debts. Stepdown support because evidence showed Wife's earnings will increase over time. Wife health problems overcome so her capacity to earn is not impaired.
<i>Weakley and Weakley</i> 177 Or App 363 (2001) (Edmonds)	26 years	49 \$4,050 per month plus some benefits as 57% owner of timber thinning company. Husband owes \$609/mo child support for child of another woman	45 \$1,849 monthly as optical assistant	\$195/mo indefinitely as of date of original judgment (cost of medical insurance)	Wife received property settlement of \$213,000 giving her total assets of \$312,000. Judgment allows Wife to purchase home and with support she is in relative parity with Husband. Based on standard of living not overly disproportionate.
<i>Adams and Adams</i> 177 Or App 459 (2001) (Landau)	14 years	40 Oregon National Guard - \$3,684/mo	45 Nurse - working 24 hrs/wk \$2,578/mo Works part time to care for their 3 children 3, 9 & 13	\$500 for 5 years \$300 for 2 yrs Reversed indefinite award. <i>Note: Guideline calculation shows child support about \$650/mo</i>	Wife alleged indefinite support because she cared for children. Court said duration of support should be on terms that end support dependence if can be done without hardship. Husband pointed out Wife can <u>equal</u> his income if works full time but court said must consider Wife's custodial obligations.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Jacobs and Jacobs</i> 179 Or App 146 (2002) (Edmunds)	22	61 Carpet layer and supervisor; not ever tell Wife his income; no joint tax returns; no evidence of his income or wealth	51 Nurse with Master's Degree \$99,000/yr	-0- 6-4 decision	Husband found to not be reliable witness. Based on their living arrangement of not sharing money, court said Husband's ability to live substantially similar life style apparent. Strong dissent. Odd and unique facts.
<i>Arand and Arand</i> 182 Or App 368 (2002) (Scherman)	14	34 \$2,784/mo. as a logger	34 \$750/mo. part time school bus driver. No work experience. Wants to attend college.	Lower court gave \$100/mo. x 2 years. Court of Appeals gave \$350/mo. x 5 years	Wife had 4 children and had worked one year for Husand to attend college. Award based on her contribution, his greater earning capacity, her need for education and standard of living. Court did say there was a need to end dependency relationship.
<i>Triperinas and Triperinas</i> 185 Or App 283 (2002) (Edwards)	21	42 \$2,439/mo. as a grocery clerk. Previously made 2x as much working for Wife's family at car dealership.	40 \$1,000/mo. custody of three kids, 20, 15, 5, but 20 year old profoundly disabled.	\$150 indefinite	Award made even though not requested in petition. First mentioned in Wife's pretrial memo because of equitable power to fashion relief. Wife got support and \$20,000 extra property because of disabled child that took her time.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Bounds and Bounds</i> 185 Or App 619 (2003) (Wollheim)	20	49 High School graduate. Has construction business. Suffers from eye disease and needs surgery. Court said \$50,00/year income.	46 School assistant. Earned \$9,745/year. High school graduate. Received \$400,000 judgment for property. Three children in custody.	\$1,400 x 5 mo. \$500 x 27 mo. \$1,400 indefinitely	Support varied because court took into account the time for Husband to have surgeries on his eyes. Husband said court should count the income is \$400,000, but Wife says she needs to purchase home. Husband presented no evidence of Wife's potential income from assets so his argument had no support. Court points out that Husband's history of higher income than findings and his potential for earnings that justify award.
<i>Roppe and Roppe</i> 186 Or App 632 (2003) (Kistler)	18	41 Salesman \$4,600/mo	39 Cake Decorator \$1,690/mo Combination of actual and potential income since worked part time. 2 kids, 8 and 14 with her	\$1,200 /mo until house sells; then \$1,000 /mo for five years; then \$500 indefinite "maintenance"	Five years allows Wife to acquire full time job. Disparity of income the big factor for indefinite even though young and in good health. Wife had limited employment prospects.
<i>Parker and Parker</i> 187 Or App 565 (2002) (Edmonds)	13	44 Mentally ill and homeless. No Social Security or disability money	38 Physical Therapist \$3,850/month 3 children in custody.	\$300/month to Husband until Husband is 62	Husband not required to pay child support because no ability to pay. Case gave Wife long half of property because of her duty to support children.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Auston and Auston</i> 191 Or App 307 (2003) (Deits)	33	53 Deputy Sheriff \$50,000/yr. Extensive education during marriage and several relocations	49 School bus driver \$20,000/yr Homemaker throughout marriage. Always supported Husband in his education and moves for employment and education by doing child care and part-time work..	\$750 maintenance plus \$250 compensatory	FIRST OPINION ON COMPENSATORY SUPPORT. Court rejected argument that Wife shared in realization of education by getting one-half property. Court found that Wife met tests of statute by showing significant contribution to Husband's career, education, and training. No requirement of financial gain, only that award is appropriate under circumstances. Strong factual case. Key to award is whether is just and equitable. Court review strong facts to justify award. Also, Husband did not support Wife's efforts to get education and training.
<i>Gibbons and Gibbons</i> 194 Or App 257 (2004) (Armstrong)	16	35 (at separation) \$5,000/mo in family business. Custody of 3 children	35 unemployed potential income of minimum wage. Plans to attend school in two years.	\$1,000 x 5 years \$500 x 2 years transitional	Wife has potential income of minimum wage and did not rebut presumption because will go to school in two years. Her child support obligation was \$476.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<p><i>Kollman and Kollman</i> 195 Or App 108 (2004) (Wollheim)</p>	<p>5 years in '70s 20 years –1982-2002</p>	<p>mid 60s inventor and promoter in company. Received assets and experience.</p>	<p>Late 50s. Worked in company and is employed in successor. Has income and assets.</p>	<p>Husband did not receive support</p>	<p>Husband has significant skills and experience so not get transitional support. He does not require training or education. No compensatory support because cannot show significant contribution to Wife's career. Maintenance support does not eliminate all disparities where self-support at a reasonable level is possible..</p>
<p><i>Mallorie and Mallorie</i> 200 Or App 204 (2005) (Haselton)</p>	<p>20 years</p>	<p>President of family dairy. Salary \$5,083/month Lease income \$3,586 Numerous other benefits like cars, food, recreational facilities and house for no rent. Court said income amounted to \$150,000 yearly. No relationship with son who has Asperger's.</p>	<p>High school, plus some college. \$1,032/month at school district. Has scoliosis and has injured her back. Primary caretaker of 2 children. One child has Asperger's Syndrome and she will care for him for his life.</p>	<p>\$2,500 indefinite maintenance support. Lower court gave support at lower amount for 8 years.</p>	<p>Based on long term marriage, Husbands continued desperate income, Wife's limited income potential, her health problems and childcare responsibilities which limit her opportunity to retrain.</p>

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<p><i>Timm and Timm</i> 200 Or App 621 (2005) (Brewer)</p>	<p>8 year + 4 year cohabitation</p>		<p>Afflicted with MS during cohabitation period and stopped working outside home after two years of marriage. Cares for 2 adopted children with special needs and receives government subsistence payments for the children.</p>	<p>\$300 until youngest child 18, then \$500 indefinite maintenance</p>	<p>Husband appealed contending indefinite inappropriate in a short marriage. Because of her disability, and limited earning potential, indefinite support is appropriate. Stepped up support appropriate to maintain her standard of living.</p>
<p><i>Bransomb and Branscomb</i> 201 Or App 188 (2005) (Schuman)</p>	<p>14 years</p>	<p>56 \$3,400/month as lecturer at University of Oregon. Unemployed first 6 years due to chronic fatigue syndrome.</p>	<p>56 Cared for two children. Masters Degree in creative writing. Earned \$3,000/year. Plans to continue her work and teach college. Had \$1,000,000 at marriage but it consumed to support family when Husband ill.</p>	<p>Trial court \$750 x 3 years \$500 x 5 years Court of Appeals \$1,000 x 5 years \$750 x 3 years Transitional Support</p>	<p>Equitable considerations justify the award. Wife gave up her career to the family and caring for Husband and lost her assets in the process. She needs support to become self-sufficient. Husband had an unmentioned amount of other income from harvesting timber on property he owned. High award based on his income.</p>

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Garza and Garza</i> 201 Or App 318 (2005) (Landau)	7 years	48 Has a pallet company. Poor bookkeeper and has substantial tax problems. Has Parkinsons	37 \$1,473/month Husband brought her to U.S. from Philippines. Cares for 1 child.	\$1,000/month x 3 years compensatory	<u>ODD CASE:</u> Trial court awarded \$2,000 as combined child and spousal. Award based on Husband's bad conduct financially by gambling. Husband did not litigate the elements of compensation support so court not address that aspect. Wife significantly contributed to Husband's career. Because of Husband's financial problems, his ability to pay is inferred from money he lost. Husband's physical abuse <u>not</u> a basis for support. Limited duration because of Husband's illness.
<i>Niman and Niman</i> 206 Or App 259 (2006) (Brewer)	10 years	53 Engineering and Business Administrator degrees. Previously earned \$82,000. On unemployment at trial at \$1,800/mo.	40 Lawyer The homemaker during marriage. At trial earned \$2,193 monthly. Potential income \$3,500 in three years according to trial court. Awarded \$1 monthly transitional support in trial court.	Reversed. Wife conceded the error.	The award was speculative and not based on need. Cannot make token awards to preserve basis to increase in future. <i>See Ash</i> 610 Or App 595 (1983)

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<i>Olesberg and Olesberg</i> 206 Or App 496 (2006) (Rosenblum)	27 years	47 Dentist \$310,000 per year with 10 weeks vacation and works 32 hours a week. Assumed substantial debt because not pay taxes for three years. Debts will be paid in 7 years @ \$4,417 monthly. Property settlement of \$118,514 Payable over 5 years at \$2,460 per month	47 Worked full time while Husband in college and dental school. Then worked at practice and outside the home full time until third child born – after 10 years of marriage Wife managed home and did books for Husband's practice. Then Wife worked part time and did practice books for 6 years when they separated. Potential is \$29,000 yearly.	\$3,000 x 5 years Maintenance \$1,000 x 5 years Compensatory Then: \$4,000 x 2 years Maintenance \$2,000 x 2 years Compensatory Then: \$5,000 x indefinite Maintenance \$2,000 x indefinite Compensatory	Goal to award enough support for comparable lifestyle not possible initially because of debt. Indefinite because of length of marriage and Wife's long term contribution at the expense of her development. Final amount should give her a standard of living "not disproportionate from Husband's."
<i>Lind and Lind</i> 207 Or App 56 (2006) (Schuman)	4 year live in 5 year marriage 1 year separated	51 Accountant \$5,831 from work and assets	39 \$2,312/mo.	\$500/month until Husband paid judgment of \$140,282. Court affirmed lower court award of maintenance support.	Husband has \$671,514 in investment accounts. Wife received a "just and proper" award to make up for lack of "marital assets." Spousal not the real issue here. Just given to tide Wife over until judgment paid.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<p><i>Uhde and Uhde</i> 217 Or App 258 (2007) (Haselton)</p>	<p>14 at judgment and 11 and separation</p> <p>3 children in custody of husband</p>	<p>46</p> <p>\$110,000 annually</p> <p>Has post-graduate degree</p>	<p>42</p> <p>Will not earn \$1,000/yr.</p> <p>Suffers bi-polar disorder.</p> <p>Musician, but no college degree and no employment history that would have allowed self- support. Lives with a man since separation in a committed relationship. He supports Wife but Husband paid Wife's health and psychiatric expenses.</p>	<p>25 months at \$2,000, then \$1,250 indefinitely maintenance.</p> <p>Reversed</p> <p>lower court where no award made because Wife with a new man.</p>	<p>Critical issue is whether need for support exists when there is another person involved. Trial court said clearly a case for support but for relationship with other man.</p> <p>Wife's companion retired and not able to pay all Wife's expenses, particularly healthcare, prescriptions, insurance, and car payment. Court gave lower amounts because Husband had the three children and because Wife's partner did contribute substantially to Wife's support.</p>

<p><i>Van Riesen and Cross</i> 217 Or App 611 (2/6/08) (Rosenblum)</p>	<p>24 year marriage at the time of trial</p>	<p>56 Unemployed at trial. Received \$490 per month from investments. Earned \$120,000. Terminated in 1996. Not work since. In 2001 had cancer surgery leaving him with noticeable scar on his face. Suffers from dyspepsia and depression. Experts said Husband's age, personality, long unemployment and scar prevented his employment. Earnings imputed at \$1,221</p>	<p>\$120,000 at time of trial. Worked part time until 1998.</p>	<p>\$2,500 maintenance for 34 months until Husband becomes 59 ½ and then indefinite amount to be determined. \$15,000 lump sum transitional. Hearing in trial court to determine support from 3/07 on, if any, depending on amount taken monthly from retirement without penalty.</p>	<p>Husband received long-half by \$31,565 over ½ of the \$1,600,000 estate to help "remake his life." Support award based on the "not overly disproportionate standard of living." See <i>Kollman</i>, 195 Or App 108 (2004) for a contrasting situation. Here, Husband's situation not from lack of effort. Unlikely Husband will find a job that matches his skills. Step down at age 59 ½ when Husband can increase his income (see <i>Dopson</i>, 177 Or App 272 (2001)).</p>
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<p><i>Potts and Potts</i> 217 Or App 581 (2008) (Brewer)</p>	<p>34 years</p>	<p>57 Built up a chain of five fitness equipment stores. 2003 earned \$22,906 per month (\$274,879 annually). Received \$2,489,938 in assets subject to a judgment to Wife of \$988,875 due in 120 days</p>	<p>54 Homemaker and cared for now-adult children. At trial earned \$2,731 monthly and cares for adult disabled daughter. Retirement assets with judgment of \$1,501,063</p>	<p>\$7,000 indefinite in trial court. Reduced to \$5,000 indefinite</p>	<p>Goal to provide standard of living comparable to that enjoyed during marriage. Nothing in record justifies \$7,000 which is outside range of reasonableness. Parties lived comfortably. Husband tried to show Wife with high income on assets, but court said she would have to buy a home with substantial portion of her liquid assets. Award not eliminate all disparities in their incomes, but long marriage along with statutory factors militate substantial award. Wife after tax income is \$81,744 and Husband's is \$139,671.</p>
<p><i>Brown and Albin</i> 219 Or App 475 (2008) (Armstrong)</p>	<p>24</p>	<p>Lawyer but work part time as investigator at modest income. Trust income is source of support.</p>	<p>Lawyer. Worked part time at modest income.</p>	<p>Trial court awarded Wife ½ trust income as alimony – reversed</p>	<p>Trust income is a property right and cannot be awarded as support (107.105(1)). Court though did award ½ of the trust interest to Wife as a division of property.</p>
<p><i>Bean and Bean</i> 223 Or App 108 (2008) (Landau)</p>	<p>22</p>	<p>\$4,871/month pension and work income</p>	<p>Degree in education and 6 years experience as substitute teacher. Then Masters just before dissolution file. Now at \$910/month as substitute. Hope to earn \$2,880/month within two years</p>	<p>3 years transitional at \$1,500. Reversed. Trial court award of \$1,000 x 10 months transitional.</p>	<p>Award based on long term marriage where Wife moved many times for Husband's career and sacrificed her opportunities. Award reduced - substantial income disparity. Denied indefinite award.</p>

<p><i>Cullen and Cullen</i> 223 Or App 183 (2008) (Sercombe)</p>	<p>25</p>	<p>50</p> <p>\$16,441 monthly. Operates businesses. Paid \$400 child support for 15 yr. old and \$1,620/mo. for colleges for 19 yr. old. Court of Appeals said the income finding is “conservative” and historically Husband’s income was higher (over \$300,000 average)</p>	<p>44</p> <p>One year college. Ten years as housewife, preceded by doing books and working in business. Potential income \$1200 - \$1,500. Received \$791,171 in liquid assets. Court relied on Wife’s budget stating \$9,989 in monthly expenses. Receives \$1,000 rental income. Court of Appeals accepted expert of Husband’s to say Wife would get 7% (\$4,615/mo) on liquid assets. Total income of nearly \$7,000.</p>	<p><u>Trial court:</u> \$8,000 x 4 mo. \$7,000 x 1 yr. \$6,000 x 1 ½ yr \$5,500 indefinite</p> <p><u>Court of Appeals:</u> \$4,500 effective on final judgment indefinite maintenance support.</p> <p>Note: Because of the delays from trial to appellate judgment Husband paid the step-down amounts.</p>	<p>Findings important here since court seemed to feel Husband’s income would be higher. Relied on the “not overly disproportionate” standard and duration. <u>Note:</u> that this standard is not in ORS, but is taken from the old statute on alimony. For the amount of Wife’s income this is a high award of support, particularly when you add on child and college support. Award based on the differences between Husband and Wife after long marriage and the historic lifestyle and earnings.</p>
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<p><i>English and English</i> 223 Or App 196 (2008) (Sercombe)</p>	<p>25 Lived together 14 and apart 11</p>	<p>46 Plant manager. Moved from K. Falls to N. Carolina for work after 14 years. \$17,555/month Began as entry level employee and stayed with employer. Supported Wife through the 11 years.</p> <hr/>	<p>44 High School Education. \$2,000/mo. Working for a bank. Mostly a homemaker in marriage caring for two children.</p>	<p>\$2,100 /month compensatory support</p>	<p>Court found Wife substantially contributed to Husband by raising children and therefore contributed equally. Parties filed joint tax returns and kept joint ownership on their home and even on utility bills. Her contribution allowed Husband to advance his career and earnings. The level of support may seem low based on Husband's income, but it is comparable to the support he provided in the separation, thus giving her a standard of living not disproportionate. "Most importantly" support allows Wife to share in Husband's enhanced earnings.</p>
<p><i>Powell and Powell</i> (1/28/09) (Edmonds)</p>	<p>27</p>	<p>56 Professional musician and tutor \$2,000/mo.</p>	<p>54 Waitress and cook at school. Last worked April 05. Not employed at trial. Has disabilities but can work if has medication. Capacity to earn \$900/if has medication.</p>	<p>Trial court: \$750 indefinite Court of Appeals: \$550 indefinite maintenance.</p>	<p>Sad case with result of "equitable" amount. Wife also received slightly longer half of property. Support allows Wife to live at a standard not nearly disproportionate to marital standard. Award about equalized incomes.</p>

<p><i>Talik and Talik</i> 226 Or App 67 (2009) (Baron – pro tem)</p>	<p>14 3 children</p>	<p>Teacher Real estate and sales Potential \$55,000 yearly Moved several times to follow Wife while in medical school and residency. Physically and mentally abused children while providing primary care for them. Mismanaged finances by paying his student loans and he did not account for money Wife inherited.</p>	<p>Physician Finding of \$160,000 Age unknown, likely later 30's</p>	<p>Trial court refused any support because of Husband's failure to provide safe home for children so support award not just and equitable. Court of Appeals affirmed, but said husband's abuse of the kids was not a basis to deny compensatory support. Interestingly, however, court cited husband's financial mismanagement as one reason to deny support. NO SUPPORT AWARDED</p>	<p>Denial of compensatory support based on:</p> <ol style="list-style-type: none"> 1. Husband capable of self support; 2. Husband got long half by \$28,000; 3. Husband relatively debt free and Wife received substantial debt. <p>Husband's financial misconduct a factor in considering if compensatory support is "just and equitable" in all circumstances.</p> <p>Court, in footnote stated Husband only claimed compensatory and never asked for maintenance or transitional.</p>
<p><i>Boyd and Boyd</i> 226 Or App 292 (2009) (Edmonds)</p>	<p>32 (married when 18 and 16)</p>	<p>51 \$4,000/month Steelworker</p>	<p>49 Finished high school after married 10 years. Early marriage. Never made over minimum wage. Only work recently is caring for her father at no pay. Living expenses \$2,107 monthly. Raised two children.</p>	<p>Trial court award of \$200 based on property award. Court of Appeals raised support to \$750 indefinite and changed property.</p>	<p>Long marriage and this award better enabled Wife to live standard "roughly comparable." Also based on absence from job market, age, limited education, disparity of incomes, and impaired capacity due to being a homemaker.</p>

<p><i>McLaughlan and McLauchlan</i> 227 Or App 476 (2009) (Rosenblum)</p>	<p>23 + 7 year premarital relationship</p>	<p>57 \$4,800/month School bus driver, car sales, real estate sales. Argued that support to Wife improper because she had “low standard of living”</p>	<p>53 \$1,700/month School bus driver, firewood sales and real estate agent 6 children, 2 minors at trial. She raised children with little financial help from Husband</p>	<p>5 years at \$1,000 maintenance paid in full from land refinance. Court found “present value” to be \$54,000 Judgment framed an alternative as to payment, in full <u>or</u> monthly.</p>	<p>Payment “in gross” allowed by ORS 107.105(1)(d). 5 year term because youngest child will then be 16 and Wife testified she will be able to work more then. Court rejected the “low standard of living” argument because circumstances at dissolution control. Support based on age, income, Husband’s lack of assistance, and long marriage. 5 year term to assist in economic self-sufficiency and end dependency.</p>
<p><i>Morales and Morales</i> 230 Or App 132 (2009) (Armstrong)</p>	<p>35</p>	<p>57 20 years in military, 7 at post office. Now 100% disabled. Income: \$3,200/disability non-tax \$1,034 postal retirement \$1,200 military retirement \$5,494 total</p>	<p>52 GED Raised school children. Not work outside of home. Has potential income of minimum wage but is unable to find full time work.</p>	<p>Trial: \$500 x 1 yr transitional \$300 x 2 yrs transitional \$500 indefinite maintenance Court of Appeals \$500 x 1 yr transitional \$300 x 2 yrs transitional \$1,400 indefinite maintenance</p>	<p>Court can use disability benefits in setting spousal support. Increased award based on wife raising children, length of marriage, and time away from job market. Wife also cared for husband during his disability. NOTE: Wife filed pro se! There is no mention in opinion of her right to one-half of husband’s retirement income. The only discussion concerns inability to divide disability payments, but they are available for spousal support.</p>

<p><i>Rudder and Rudder</i> 230 Or App 437 (2009) (Armstrong) Petition for Reviewed DENIED</p>	<p>3 year cohabitation 18 year marriage</p>	<p>55 Journeyman and Electrician \$5,648/Month + \$800 rental income totaling \$6,448 per month</p>	<p>49 Part-time licensed cosmetologist but no income at trial. Suffers debilitating migraines Previously owned a salon Worked part-time until 2004 Highest income was \$4,989 in one year.</p>	<p>Trial court gave \$1,000 x 5 years Court of Appeals gave \$1,500 x 5 years Plus \$1,000 indefinite</p>	<p>No evidence to show Wife would ever exceed minimum wage. Her headaches do not prevent work. Begin at \$1,500 so Wife can re-establish herself as cosmetologist. Award just and proper.</p>
<p><i>Harris and Harris</i> 230 Or App 697 (2009) (Schuman) Petition for Review GRANTED</p>	<p>17 year marriage Parties very young when married (20 and 21)</p>	<p>H 37 1992 H finished college 1996 H finished dental school Began earning 100k+ right away By end of marriage was earning \$355,000 per year</p>	<p>W 38 In 1993 stopped going to school part time W did majority of childcare and household Worked while H in dental school and worked outside home 1997 W ceased outside employment</p>	<p>Each party received over \$720,000 in assets \$3,000 x 4 years transitional \$4,000 x 6 years maintenance \$2,500 x 2 years maintenance \$1,000 x year maintenance Wife intends to finish college Trial court refused request for compensatory saying that wife's contribution, while substantial, was of the type that was normal and expected</p>	<p>Wife appealed the denial of compensatory support. Court of Appeals affirmed the denial, but disagreed with trial court reasoning. Appellate court held that wife had already benefited from her contributions, ie, the 720k each received in property, that an award of compensatory support would not be just and equitable. Maintenance and transitional support awards were affirmed.</p>