

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.
<i>Barcroft and Barcroft</i>	21 years	\$2,000/mo. net	\$600/mo. net	\$500/mo. x 5 years	Not necessary to equalize income; 41-

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96 Or App 515 (1989) (Deits)				\$300/mo. x 10 years	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>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)	19 years	?	/ none	\$300/mo. x 6 years	Wife not high school graduate and worked only part-time sporadically;

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(Riggs)					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.
<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

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					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 with 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.
<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	\$500/mo. x 2	Wife got money for retraining; Husband said Wife could have worked

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			house cleaner)		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.
<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.

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<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.
<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

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					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.
<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 necessity for pastoral work; he will have more career opportunities than Wife after graduation; Wife should not suffer from Husband's lack of income now.

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<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.
<i>Ranes and Raney</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).



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<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>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	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.

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			husband in business.		
<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 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.
<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.

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<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 <b>not</b> limited by obligation to care for children.
<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 <input type="checkbox"/> this decision made when Husband intends to retire at 54; required to use assets to pay! <b><u>Bad precedent!</u></b>
<i>Robinson and Robinson</i>	14 years	41	39	\$300/mo. x 7 years	Two children and child support of

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125 Or App 244 (1993) (Landau)		\$3,128/mo. (registered nurse)	\$1,386/mo. (secretary)	(reversed "indefinite" trial court award)	\$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.
<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.

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<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."
<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	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

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		problems.			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.
<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

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					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.
<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.

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<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.
<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	Mid-40's \$1,600 to \$1,700 at separation as a waitress. Took job at Forest Service at	-0- Court found capacity to be \$1,700 plus \$200 from child support arrearage on adult child and this	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



CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		even though Husband said just to pay bills and would then end.	\$625 part-time hoping to go to \$1,200 full-time.	sufficient for her lifestyle.	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.
<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.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<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.
<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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
					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>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.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<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.
<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)	22 years	44 \$5,000 as cabinet	47 \$2,700 as	\$300 for three years	Most significant factor in awarding indefinite support is whether spouse

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
(Edwards)		maker	biogeographer Master's degree		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.
<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	\$1500 for three years	To establish income when it is disputed, look to historical average ( <i>Mask and Mask</i> , 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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			progressive. Husband adopted child.		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.
<i>Denton and Denton</i> 145 Or App 381 (1996) (Landau)  <u>REVERSED:</u> 326 Or 236 (1998) (Gillette)  But spousal support not mentioned; reversed on "enhanced earnings"	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.
<i>Larkin and Larkin</i>	15 years	38	39	\$500 for 2 years	Court reversed indefinite award of

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
146 Or App 310 (1997) (Riggs)		construction superintendent \$3,848 per month	medical assistant but trained in medical transcribing that pays more \$1,593 per month	\$250 for 3 years	\$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.
<i>Benson and Benson</i> 146 Or App 364 (1997) (Armstrong)	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.
<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	\$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
			minimum wage as potential income because no evidence of presumption rebuttal.		
<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	40 \$1,480 per month in disability benefits. Many problems	\$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



CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		medicine until after case filed and then quit to ranch and raise llamas. Court found Husband depressed due to divorce.	and not able to work as Husband contended. Gambling problem in separation.		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.
<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	50 high school graduate bookkeeper up to dissolution for	\$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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		manager; \$65,000 per year from assets part of gross	Husband's business; \$9,000 to \$14,000 per year capacity; cares for autistic child and always will; \$30,000 per year from assets		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.
<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	\$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
			school; income potential--\$25,000 to \$30,000		
<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	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.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		\$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.			
<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

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  plus \$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 &amp; 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	\$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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			quit and moved to California - now volunteers at her sister's church - 2 children 8 and 11		determine what is equitable with goal of ending support dependency; court affirmed award and rejected formula approach to setting duration of support
<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. <u>Trial</u> 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	\$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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			\$2,500/mo		support because of illness
<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-	Pre-nuptial 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.
<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



CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
					- indefinite because of length of marriage, impaired earning capacity, limited education, and disparity in income
<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)	13	44 Mentally ill and	38 Physical Therapist	\$300/month to Husband until Husband is 62	Husband not required to pay child support because no ability to pay.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
(Edmonds)		homeless. No Social Security or disability money	\$3,850/month 3 children in custody.		Case gave Wife long half of property because of her duty to support children.
<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
<i>Kollman and Kollman</i> 195 Or App 108 (2004) (Wollheim)	5 years in '70s  20 years –1982-2002	mid 60s  inventor and promoter in company. Received assets and experience.	Late 50s. Worked in company and is employed in successor. Has income and assets.	Husband did not receive support	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..
<i>Mallorie and Mallorie</i> 200 Or App 204 (2005) (Haselton)	20 years	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.	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.	\$2,500 indefinite maintenance support. Lower court gave support at lower amount for 8 years.	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.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Timm and Timm</i> 200 Or App 621 (2005) (Brewer)	8 year + 4 year cohabitation		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.	\$300 until youngest child 18, then \$500 indefinite maintenance	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.
<i>Bransomb and Branscomb</i> 201 Or App 188 (2005) (Schuman)	14 years	56  \$3,400/month as lecturer at University of Oregon.  Unemployed first 6 years due to chronic fatigue syndrome.	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	Trial court \$750 x 3 years \$500 x 5 years Court of Appeals \$1,000 x 5 years \$750 x 3 years Transitional Support	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.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			support family when Husband ill.		
<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	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)

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			transitional support in trial court.		
<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
<i>Uhde and Uhde</i> 217 Or App 258 (2007) (Haselton)	14 at judgment and 11 and separation  3 children in custody of husband	46  \$110,000 annually Has post-graduate degree	42  Will not earn \$1,000/yr. Suffers bi-polar disorder. 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.	25 months at \$2,000, then \$1,250 indefinitely maintenance.  Reversed  lower court where no award made because Wife with a new man.	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.  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.
<i>Potts and Potts</i> 217 Or App 581 (2008) (Brewer)	34 years	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	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	\$7,000 indefinite in trial court. Reduced to \$5,000 indefinite	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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
					militate substantial award. Wife after tax income is \$81,744 and Husband's is \$139,671.
<i>Brown and Albin</i> 219 Or App 475 (2008) (Armstrong)	24	Lawyer but work part time as investigator at modest income. Trust income is source of support.	Lawyer. Worked part time at modest income.	Trial court awarded Wife ½ trust income as alimony – reversed	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.
<i>Bean and Bean</i> 223 Or App 108 (2008) (Landau)	22	\$4,871/month pension and work income	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	3 years transitional at \$1,500. Reversed. Trial court award of \$1,000 x 10 months transitional.	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.
<i>Cullen and Cullen</i> 223 Or App 183 (2008) (Sercombe)	25	50 \$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	44 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	<u>Trial court:</u> \$8,000 x 4 mo. \$7,000 x 1 yr. \$6,000 x 1 ½ yr \$5,500 indefinite <u>Court of Appeals:</u> \$4,500 effective on final judgment indefinite maintenance support. Note: Because of the	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

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		Husband's income was higher (over \$300,000 average)	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.	delays from trial to appellate judgment Husband paid the step-down amounts.	and the historic lifestyle and earnings.
<i>English and English</i> 223 Or App 196 (2008) (Sercombe)	25  Lived together 14 and apart 11	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.	44  High School Education. \$2,000/mo. Working for a bank. Mostly a homemaker in marriage caring for two children.	\$2,100 /month compensatory support	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.
<i>Talik and Talik</i> 226 Or App 67 (2009) (Baron – pro tem)	14  3 children	Teacher  Real estate and sales  Potential \$55,000 yearly	Physician  Finding of \$160,000  Age unknown, likely later 30's	Trial court refused any support because of Husband's failure to provide safe home for children so support award	Denial of compensatory support based on:  1. Husband capable of self support;

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		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.		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	2. Husband got long half by \$28,000;  3. Husband relatively debt free and Wife received substantial debt.  Husband's financial misconduct a factor in considering if compensatory support is "just and equitable" in all circumstances.  Court, in footnote stated Husband only claimed compensatory and never asked for maintenance or transitional.
<i>Boyd and Boyd</i> 226 Or App 292 (2009) (Edmonds)	32  (married when 18 and 16)	51  \$4,000/month Steelworker	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.	Trial court award of \$200 based on property award. Court of Appeals raised support to \$750 indefinite and changed property.	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.
<i>McLaughlan and McLaughlan</i>	23 + 7 year	57	53	5 years at \$1,000	Payment "in gross" allowed by ORS

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
227 Or App 476 (2009) (Rosenblum)	premarital relationship	\$4,800/month School bus driver, car sales, real estate sales. Argued that support to Wife improper because she had "low standard of living"	\$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	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.	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.
<i>Morales and Morales</i> 230 Or App 132 (2009) (Armstrong)	35	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	52 GED Raised school children. Not work outside of home. Has potential income of minimum wage but is unable to find full time work.	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	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.
<i>Rudder and Rudder</i> 230 Or App 437 (2009) (Armstrong) Petition for Reviewed DENIED	3 year cohabitation 18 year marriage	55 Journeyman and Electrician	49 Part-time licensed cosmetologist but	Trial court gave \$1,000 x 5 years Court of Appeals gave	No evidence to show Wife would ever exceed minimum wage. Her headaches do not prevent work. Begin at \$1,500 so Wife can re-

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		\$5,648/Month + \$800 rental income totaling \$6,448 per month	no income at trial. Suffers debilitating migraines Previously owned a salon Worked part-time until 2004 Highest income was \$4,989 in one year.	\$1,500 x 5 years Plus \$1,000 indefinite	establish herself as cosmetologist. Award just and proper.
<i>Harris and Harris</i> 230 Or App 697 (2009) (Schuman) Petition for Review GRANTED	17 year marriage  Parties very young when married (20 and 21)	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	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	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	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.
<i>Bolte and Bolte</i> 233 Or App 566 (2010) (Rosenblum)	22 years	53 Professor at OSU earning \$10,700/mo	53 Physical therapist earning \$2,700/mo	Trial court awarded \$1,500. Award raised to \$2,500	Wife was employed at two part time jobs that equaled a full-time job, even though full-time employment at one job may have paid more and provided

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		with benefits	with no benefits Also \$600/mo farm income Health insurance will cost \$750/mo. Gave up employment opportunities to further Husband's career and care for children	indefinite.	better benefits Court rejected Husband's argument that Wife not maximizing her income. She is fully employed and that is sufficient. Long marriage, both earning retirement, Wife's contribution to Husband and standard of living justify increased award. Wife also has increased expense for health insurance (750 per month). Balancing parties' standards of living, Husband not impacted nearly like Wife.
<i>Gillis and Gillis</i> 234 Or App 50 (2010) (Landau)	16 years	41 Owns software business – Appellate Court found income to be \$205,000/year. Husband contends improper to include voluntary retirement contribution	52 College graduate but mainly cared for child and worked at home. Potential found to be \$20,000/yr.	Trial court gave \$3,000 x 5 yrs transitional. Court of Appeals gave \$2,000 transitional and \$3,000 maintenance x 3 yrs and 5 yrs at \$4,000 maintenance.  (note, duration half the length of the marriage)	Wife being older complicates things because of limited time to become self sufficient. Disparity of income and Wife's time at home key factors. Husband's retirement contributions are voluntary and available for support. Husband's income probably was higher than court found based on looking at whole opinion. Court justified ceasing support at age 60 because retirement accounts available.
<i>Quant and Carrier</i> 234 Or App 336 (2010) (Schuman)	7 years marriage 4 more years cohab.	58 \$160,000 from work and military retirement	56 Not work full time Filed Bankruptcy during marriage in	Trial court gave \$2,000 x 2 yrs transitional. Appellate Court added	Note here, again, the court extended support until Wife eligible for Social Security. Strange case in that parties finances separate. Court doubted Wife's ability to support herself.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
	Separated in 2004		2002. After separation injured on ATV accident, has pain now and unable to work. Wants retraining and says can be self-supporting.	\$1,500 x 7 yrs. Maintenance  Total award = 3,500 x 2 years 1,500 x 5 years	Modest living standard
<i>Carlson and Carlson</i> 236 Or App 291 (2010) (Landau)	2 years live together. 3 year marriage.	44 Substantial assets. Income of \$14,500/mo. <u>not</u> including bonus or retained earnings.	37 Cosmetologist Homemaker but no children. Back surgery during live in time prevented her from working. Injured in a fall and had second surgery during marriage.	Trial Court awarded \$6,000 x 3 yrs + \$3,000 x 3 yrs transitional + \$2,000 indefinite maintenance. Court of Appeals: \$3,000 x 3 yrs transitional + \$3,000 x 6 yrs. Maintenance.	Trial court more impressed by Wife's poor health than Court of Appeals. Goal to end support dependency and recognize support not eliminate disparity. Wife received assets that can contribute to her support. Expect Wife's health to improve and her to be self-supporting. Shorter support because of short marriage.
<i>Draper and Draper</i> 236 Or App 463 (2010) (per curiam)	17 years		Has custody of 1 child and requested support until child out of high school.	Trial court: \$3,000 x 1 year \$2,000 x 1 year \$1,000 x 1 year	No facts given. Justified in length of marriage, custodial duties and disparity of income. Opinion is per curiam and not very



CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
				Court of Appeals: \$3,000 x 1 year \$2,000 x 1 year \$1,000 x 9 years	insightful as it reveals nothing about the incomes of either party.
<i>Sather and Sather</i> 238 Or App 235 (2010) (Armstrong)	38 years	60 \$8,917/mo. Husband's expenses were \$2,800/mo	60 Unable to work because of medical problems	Trial Court: \$5,000 x 5 years \$4,000 indefinite Court of Appeals \$4,000 x 5 years \$3,000 indefinite	Lowered support to \$1,000/mo because Husband's standard of living decreased too much when compared with marital standard. Wife has about same standards during marriage. No real rule here to justify this high of an award, except that it is equitable under the circumstances and her high expenses.
<i>Morrison and Morrison</i> 240 Or App 656 (2011) (Haselton)	23 years at trial	47 Cardiologist \$225,000 per Court of Appeals. In 3 of 4 years before trial his income was \$315,000 to \$365,000	46 Homemaker, college grad Three children at home and one in college. Going to school for Masters. Worked full time for medical school, internship and residency until first child born. Then part time. Several moves for Husband's training.	Trial court: No compensatory \$5,000 x 3 years \$4,000 x 3 years \$2,000 x 2 years  Court of Appeals: \$2,000 x 8 years compensatory. \$5,000 x 3 years maintenance. \$4,000 x 3 years maintenance. \$3,000 indefinite.	Very high support for finding on income but note Husband's previous years of higher income. Court rejected Husband's contention that Wife should quit school and go to work to maximize her earnings immediately. She took light course load to attend to one child with problems. Wife made significant contribution to Husband's career. Husband originally agreed with Wife's plan to get Masters and Court noted she out of work place 17 years. Even though Wife received over \$1 million in assets, that not adequate compensation for her contribution and Husband has years left at high income. Indefinite support because Wife will

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			Wife cared for four children under age  6 when Husband on fellowship.		never approach Husband's earnings and needs support so standard not overly disproportionate.
<i>Finear and Finear</i> 240 Or App (2011) (Ortega)	21 to separation in 2006	46 Finding of potential income of \$5,000/month as finish carpenter. Quit work in 1999 to invest inheritance. Total inheritance = \$1,269,698	46 Homemaker Homeschooled 4 children. Finding of potential income at \$1,650/mo. Part-time gymnastics teacher	Trial Court: \$1,100 x 10 years \$850 x 6 years  Court of Appeals: \$1,100 indefinite	Husband argued modest lifestyle but court not accept that as reason to lower time or amount of support. No reason for step down. Substantial contribution by Wife and no plans to improve beyond minimum wage. Long absence from job market.  Fairly unique case, as couple was living modestly with Husband earning 50,000 per year as a finish carpenter until he received inheritance worth 1.2 million. Parties continued to live modestly notwithstanding husband's wealth.  This case is perhaps more significant as a property case.
<i>Hendgen and Hendgen</i> 242 Or App 242 (2011) (Schuman)	26 years	49 Invested in, purchased, managed and developed commercial property.  At trial had one property that would yield each party \$75,000 yearly.  Said no other	46 Will have \$7,500 yearly. Assisted Husband in his work and has no education.  Primarily a homemaker. Claimed expenses of \$13,000	Awarded \$4,000 based on Husband's experience and potential.  Court of Appeals reduced support to \$400 indefinite maintenance.	Trial court speculated on Husband's income with no proof. Court of Appeals based award on Husband's experience as a developer and his capacity, along with length of marriage. Point out award will pay one-half her medical costs.  Court said that if earning capacity changes, that could constitute a change in circumstances and a reconsideration of support. This is

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		opportunities for him. Previously averaged about \$300,000 yearly.	monthly. Some medical issues costing her \$800/mo.		contrary to <i>Weber</i> .
<i>Abrams and Abrams</i> 243 Or App 203 (2011) (Nakamoto)	28 years	48 Information technologist. \$7,600/mo. College education	48 Homemaker and responsible for children most of marriage. After several part time jobs became hair stylist. Earned \$990/mo. Managed home finances and parties lived frugally most of marriage.	<u>Trial court</u> : \$750 x 2 years transitional  <u>Court of Appeals</u> : \$1,800 maintenance indefinite + \$750 x 2 years transitional.  Trial court said Wife young enough to improve ability to earn in 2 years.	Long term marriage. Wife deserves substantially similar lifestyle. Her earning capacity disadvantaged by her 20 years as homemaker. Husband is correct that his standard of living will decline.  Note: In footnote court comments that “not overly disproportionate” is not in statute any longer but it is an appropriate guideline under general considerations.
<i>Cassezza and Cassezza</i> 243 Or App 400 (2011) (Brewer)	18 years	37 Engineer earning \$120,000/yr.	44 Part time typist earning \$10,000-\$12,000/yr. GED + some community college. Claims health problems but no expert testimony. No intention to claim further education.	<u>Trial court</u> : \$1,500 indefinite maintenance = \$500 x 18 months transitional.  <u>Court of Appeals</u> : \$500 x 18 months maintenance + \$1,500 indefinite maintenance.	No transitional because no intent to get education. Statute requires training or education.  Award because of marriage length, chronic poor health of Wife, Husband’s earning capacity and Wife’s impaired capacity.  Staggered support to help Wife get medical care.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Bailey and Bailey</i> 248 Or App 271 (2/23/12) (Brewer)	24 years	56  Veterinarian  Court of Appeals found his income was \$35,000-\$41,000 monthly, including income, retirement contributions and personal expenses paid by his business.	58  College degree.  \$3,000 potential income.  Rental income of \$2,176 monthly.  No work for 13 years, except for Husband as bookkeeper.  Cared for children and was homemaker.	<u>Trial Court:</u>  \$1,500 transitional + \$3,500 maintenance until 9/11 (assume 12 months) then \$3,500 maintenance for 6 years, then \$1,500 indefinite.  <u>Court of Appeals:</u>  \$1,500 transitional x 18 months;  \$5,500 maintenance x 18 months; then  \$6,000 maintenance x 6 years; then  \$4,000 month;  \$350,000 life insurance	Great disparity of income and Wife made substantial contributions. Trial court not afford Wife opportunity to comparable lifestyle. Support must be just and equitable. Husband also has 18 yr. old daughter in college and supports her.
<i>Wolfe and Wolfe</i> 248 Or App 582 (2012) (Haselton)	Over 30 years	63  Ophthalmologist  At trial earned \$11,000 monthly.    Trial court found he had \$10.3 million in separate property inherited premarital	60  Homemaker and bookkeeper    Not work outside home after child born, except to help in husband's office and on their family farm.    At trial earned	<u>Trial Court:</u>  Wife received \$2.6 million of marital assets and \$2,000 for 2 years and \$1,000 for 3 years maintenance.    Husband received \$2.4 million of marital assets and \$10.3 million separate  <u>Court of Appeals:</u>	Even though Wife would be self-sufficient on trial court award, just and proper required more assets for her. The income from assets will allow Wife to have substantially similar lifestyle.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
			\$2,300 as a bookkeeper.	\$4.6 million to Wife and same alimony.	
<i>Berg and Berg</i> 250 Or App 1 (2012) (Wolheim)	18 years	67 Dentist \$42,000/month	55 Worked for Husband as bookkeeper and court found she helped practice.  Potential income of \$4,167 but wants to retrain as massage therapist.	\$15,000 maintenance for 5 years.	Wife wanted indefinite. Court said record supported the award and that 5 years was reasonable because of Husband's age and that each received \$1,240,000 in assets.
<i>Morton and Morton</i> 252 Or App 525 (2012) (Hadlock)	5 years	63	48	\$600 + 30% of gross income over \$2,500	Case mentioned only because Court of Appeals approved of trial court's award of support on a percentage basis. How does Wife get to know his income?
<i>Steele and Steele</i> 254 Or App 79 (2012) (Ortega)	24  Previous bankruptcy, house lost to foreclosure and vehicle	Mid 40s  No college degree Software engineer \$11,560 gross	Mid 40s  College grad 2 ½ years before marriage and finished during. Quit work at birth of first child. Imputed at \$1,455	\$4,200 unallocated maintenance and compensatory support.  Trial court based award on Wife's contribution to Husband's career. Custody of 1 of 2 children.	Award supported by findings of Trial Court. Very high award based on % of income. Based on Wife being virtually unemployable and Husband's mismanagement of finances that affect her employability. "No mention that the court awarded

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
	repossessed.		No work since 1992. Health problems, diabetes and disabilities from auto accident. Financial problems make it unlikely can work in accounting field.	Disparity of income, wife's employment problems, and limited marital estate. Trial court blamed financial problems on Husband.	compensatory support as a punitive measure."
<i>Waid and Waid</i> 257 Or App 495 (2013) (Nakamoto)	42 years	69 \$31,000 per year	64 \$27,000 per year	\$250 indefinite at trial. Affirmed.	Trial court properly applied statutory factors, but Wife had not taken Social Security and court said her retirement will be a change of circumstances to allow modification.
<i>Rodrigues and Gerhards</i> 258 Or App 199 (2013) (Per Curium)	10 years	37 \$55,000 per year	32 Rheumatoid arthritis and disabled according to Social Security. Unable to go to school unless new medication developed.	<u>Trial Court</u> \$1,500 x 36 months transitional; then \$1,000 x 24 months <u>Court of Appeals</u> Remanded to consider maintenance support	Cannot order transitional where no plan for school or training. Record mandated consideration of maintenance support. Wife wanted indefinite.
<i>Anderson and Anderson</i> 258 Or App 568 (2013) (Haselton)	22 years Separated at 19	- Married while in college - Finished college and then to law school - Not work in first year, but did in last two years	- Married while in college - Wife worked as receptionist through school - After husband became atty, she homemaker and	<u>Trial Court</u> - Found that Husband had capacity to earn \$8,000 per month - Child support of \$1,162 and \$220 cash medical - \$2,500 transitional x 34	- As to compensatory, it was appropriate to award that since Wife made substantial contribution that was meaningful. - Amounts of support inappropriate because no evidence of income. Must have evidence of present ability to earn.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		<ul style="list-style-type: none"> <li>- Took out loans his mother paid off</li> <li>- Began solo practice after being atty for 10 years</li> <li>- Five years before trial, income averaged \$8,700 per month and was down to \$2,300 per month at trial</li> <li>- Bankruptcy at separation</li> <li>- Specialty in construction law and said no work due to economy</li> </ul>	<p>then worked for husband in solo practice without pay</p> <ul style="list-style-type: none"> <li>- At trial was caring for kids. Did not work because child care exceeded income potential. – Sought transitional and compensatory.</li> </ul>	<p>months</p> <ul style="list-style-type: none"> <li>- Compensatory of \$1,000 x 10 years</li> </ul> <p><u>Court of Appeals</u></p> <p>Remanded</p>	<ul style="list-style-type: none"> <li>- Evidence of income was speculative and reliance alone on history is insufficient.</li> </ul>
<i>Stuart and Ely</i> 259 Or App 175 (2013) (Ortega)	20 years at date of filing	<p>60</p> <ul style="list-style-type: none"> <li>- Doctorate in environmental engineering</li> <li>- \$6,703 per month as professor</li> <li>- Couple moved for his career</li> </ul>	<p>45</p> <ul style="list-style-type: none"> <li>- Doctorate in environmental engineering</li> <li>- \$3,158 at a company</li> <li>- Worked half time because no work</li> <li>- A homemaker for children and Husband so career not advance</li> </ul>	<p><u>Trial Court</u></p> <p>\$750 x 1 year \$500 x 2 years \$250 x 2 years All transitional</p>	Remanded to consider maintenance because transitional only appropriate if getting training or education.
<i>Cortese and Cortese</i> 260 Or App 291 (2013)	16 years	<ul style="list-style-type: none"> <li>- College graduate</li> <li>- Owned business</li> </ul>	<ul style="list-style-type: none"> <li>- No college</li> <li>- Homemaker</li> </ul>	<ul style="list-style-type: none"> <li>- \$1,500 x 3 years transitional</li> </ul>	Case differs from <i>Anderson</i> (low income lawyer case) because Husband

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
(Ortega)		<ul style="list-style-type: none"> <li>- \$12,000 per month but that ceased three months after Wife filed</li> <li>- On unemployment at trial</li> <li>- Business continued to pay insurance, cell phone, credit card, and personal expenses</li> <li>- Trial court imputed potential income of \$8,000 per month</li> </ul>	<ul style="list-style-type: none"> <li>- \$500 in nutritional assistance</li> </ul>	<ul style="list-style-type: none"> <li>- Followed by \$1,000 maintenance for 7 years</li> </ul>	<p>did not put on evidence of unavailability of jobs or constrained economic circumstances. Court could use income history. In addition, Husband here manipulated his income trying to avoid support and had his parents sue for debts and personal property.</p>
<i>Morgan and Morgan</i> 269 Or App 156 (2015) (Flynn)	12 years	<p>44</p> <ul style="list-style-type: none"> <li>- Owned a mixed-use apartment property in Seattle</li> <li>- \$11,000 per month in income from the property in Seattle</li> <li>- No other regular employment or income</li> </ul>	<p>43</p> <ul style="list-style-type: none"> <li>-Not employed at time of trial due to disability.</li> <li>- Work history consisted primarily of waitressing</li> </ul>	<p><u>Trial Court</u></p> <p>\$3,000 x 36 months transitional</p> <p>\$1,000 x 60 months maintenance</p> <p>Affirmed.</p>	<p>Award of spousal support affirmed. The trial court's order indicated it considered the statutory factors. The Court of Appeals does not elaborate on the trial court's consideration of those factors.</p>
<i>Logan and Logan</i> 270 Or App 176 (2015) (Duncan)	23 years	<p>63</p> <ul style="list-style-type: none"> <li>-Worked throughout marriage as oral surgeon</li> <li>-Owned a solo</li> </ul>	<p>49</p> <ul style="list-style-type: none"> <li>-Worked for a few years early in the marriage, but not since 1994</li> </ul>	<p><u>Trial Court</u></p> <p>\$7,500 x 8 months transitional</p> <p>\$6,500 x 59 months transitional</p>	<p>Trial court's followed the statutory and equitable considerations. While the award to Wife was "generous," it was within the trial court's discretion. There was also evidence in the record to support the inference that Husband</p>



CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		<p>practice at time of trial</p> <p>-\$40,000 per month (\$27,000 from surgery practice and \$13,000 from investments)</p>		<p>\$5,500 x 36 months maintenance</p> <p>Upon reconsideration at Wife's request, the trial court added</p> <p>\$4,000 x 82 months maintenance</p> <p>Affirmed.</p>	<p>planned to continue working for the indefinite future and had no immediate plans to retire. The Court of Appeals discusses the fact that the support award does not require Husband to work until age 79. Husband can request a modification if or when he decides to retire.</p>
<p><i>Mitchell and Mitchell</i> 271 Or App 800 (2015) (Tookey)</p>	20 years	<p>50</p> <p>-24 year career as a Marine Corps officer (16 during marriage)</p> <p>-Earned master's degree during marriage</p> <p>-Retired from the Marine Corps during marriage, but continued working</p> <p>-\$10,000 per month at the time of trial</p>	<p>44</p> <p>-Bachelor's degree before marriage</p> <p>-Work experience as retail clerk, bank teller and secretary, and time as a SAHM</p> <p>-Primary parent to children, 12 and 16</p> <p>-Attending school to become dental hygienist.</p> <p>Anticipates income of \$50,000.</p>	<p><u>Trial Court</u></p> <p>\$3,500 x 60 months transitional</p> <p>\$1,000 indefinite maintenance</p> <p><u>Court of Appeals</u></p> <p>Reversed and remanded for reconsideration</p>	<p>Husband appealed only the maintenance support award. The trial court did not consider Husband's obligation to pay for the children's college education when it made the indefinite support award. The Court of Appeals finds the trial court should have considered Husband's obligation to pay for the children's college education because it impacts Husband's financial needs and resources (see ORS 107.105(1)(d)(C)(viii)).</p>
<p><i>DeAngeles and DeAngeles</i> 273 Or App 88 (2015) (Nakamoto)</p>	17	<p>78</p> <p>-Retired before marriage</p> <p>-Monthly income of \$1,900 from pension, social</p>	<p>56</p> <p>-Earned certificate in international business and MBA during marriage</p> <p>-Monthly income</p>	<p><u>Trial Court</u></p> <p>\$1,000 x 24 months transitional.</p> <p>Husband asked for and the court ordered maintenance support, but</p>	<p>It was an apparent error for the judgment to award transitional support. There was no evidence to support a transitional award, so the Court of Appeals reversed and remanded. The Court of Appeals cited case law suggesting that if the award</p>

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
		security and investment income	of \$16,000	the general judgment said transitional <u>Court of Appeals</u> Reversed and remanded.	were for maintenance support, the amount and duration awarded by the trial court was inadequate.
<i>Johnson and Johnson</i> 277 Or App 1 (2016) (Ortgea)	26	49, approx. Income not disclosed in opinion	49 -Lost job at Intel after separation and before trial. Was making \$25/hour, plus benefits -High School diploma and some community college	<u>Trial Court</u> \$2000 indefinite maintenance \$500 indefinite transitional <u>Court of Appeals</u> Maintenance award affirmed without discussion. Transitional award reversed and remanded.	There was evidence to support the award of transitional support to Wife, but not enough to support an indefinite award.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Brush and Brush</i> 279 Or App 25 (2016) (Ortega)	30	50 \$5,000-\$6,000 as a self-employed and self-described "bad businessman" with an uncertain employment future	47 \$2,248 per month Wife's employment was a permanent position with benefits	<u>Trial Court</u> Wife's request for spousal support denied; Wife was awarded the "long half" in the division of property <u>Court of Appeals</u> Denial of spousal support affirmed. The trial court considered the applicable statutory factors in denying Wife's request for support	
<i>Norberg and Norberg</i> 282 Or App 730 (2016) (Ortega)	"Long term" Actual duration not disclosed in the opinion	Age unknown \$9,166 per month	Age unknown Unemployed due to health issues; less than \$800 over the prior year doing odd jobs	<u>Trial Court</u> \$3,000 maintenance indefinitely <u>Court of Appeals</u> Affirmed.	Trial court's decision was based on parties testimony at trial and Husband's USD (Wife did not complete her USD). That evidence was sufficient to support the trial court's award of indefinite maintenance support.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Skinner and Skinner</i> 285 Or App 788 (2017) (Tookey)	“over 20 years”	45 \$6,200 per month base salary \$7,866 per month base salary plus benefits package (“salary package”)	45 Unemployed and full-time student at community college at time of trial; expected salary after completing her degree is \$40,000 annually	<u>Trial Court</u> \$750 per month transitional support for 5 years \$500 per month maintenance support indefinite, commencing 5 years after dissolution (i.e. when transitional support ends) <u>Court of Appeals</u> Reversed and remanded.	It was error to wait 5 years before commencing the maintenance component of Wife’s spousal support because there was evidence of her financial need while in school. It was error to base the maintenance support award on Wife’s anticipated future income, rather than her actual income at the time of trial. It was error to not consider Husband’s total “salary package” in awarding support to Wife.
<i>Hughes-Kuda and Kuda</i> 286 Or App 554 (2017) (DeVore)	17 years	69 \$969 per month from social security benefits Self-employed in a series of failed businesses; income difficult to determine, but average of \$56,000 annually in three years prior to divorce	63 \$16,000 per month as a forensic psychiatrist; degrees earned prior to marriage	<u>Trial Court</u> \$2,750 per month for 6.5 years, when Wife turns 70. <u>Court of Appeals</u> Affirmed. Similar facts and result as in <i>Jacobs and Jacobs</i> , 179 Or App 146 (2002) and <i>Berg and Berg</i> , 250 Or App 1 (2012)	No children Kept finances separate. Wife paid for virtually everything. Husband made few, if any, financial contributions to the family and kept his earned income for himself. Husband did not take on the typical homemaker or caregiver role; his career was not impacted by duties of family or relationship.

CASE CITATION	LENGTH OF MARRIAGE	HUSBAND'S AGE/INCOME	WIFE'S AGE/INCOME	AMOUNT/DURATION OF SUPPORT	COMMENTS
<i>Colton and Colton</i> 297 Or App 532 (2019) (DeHoog)	27 years	56 \$55,000 per month	55 Unemployed due to health problems	<u>Trial Court</u> \$12,500 per month, indefinite. <u>Court of Appeals</u> Affirmed.	Focus was on calculation of Husband's income; he argued "double counting" but that argument was not preserved.
<i>Boatfield and Boatfield</i> 297 Or App 716 (2019) (Ortega)	28 years	48 Not stated in general judgment or in opinion. Husband's USD shows income of approximately \$6,000 per month	47 Not stated in general judgment or in opinion. Wife's USD shows her income is \$0	<u>Trial Court</u> \$1,050 per month in transitional support for 12 years. No maintenance support. <u>Court of Appeals</u> Reversed and remanded for reconsideration of maintenance support and transitional support.	Husband breadwinner; Wife homemaker. Wife requests \$2,000 per month in maintenance, but is awarded transitional support instead. Improper to base duration of support on a speculative event (Husband's retirement, in this case). Must be a nexus between amount and duration of transitional support and the need for retraining or advancement. No nexus between 12 year duration and Wife's plans, which would take 2.5 years.
<i>Varro and Varro</i> 300 Or App 716 (2019) (Tookey)	11 years	45 \$40,000 per month	47 No earned income. General judgment recites \$9,100 as potential income	<u>Trial Court</u> Transitional support of \$10,000 for 24 month, then \$5,000 per month for 36 months, finally \$2,500 per month for 24 months <u>Court of Appeals</u> Affirmed. Trial court made sufficient findings of fact to support the award of transitional support to Wife.	Wife was a dentist but largely left the practice for 11 years to raise the parties' children and to support Husband's career. Evidence showed it would take Wife several years to complete continuing education at a substantial cost. Adequate nexus between the amount and duration of support and the plan for Wife to re-enter and advance in her career.

<p><i>McKechnie and McKechnie</i> 303 Or App 177 (2020) (Ortega)</p>	<p>30 years</p>	<p>53 \$5,600 per month (from TC letter opinion, not listed in COA opinion)</p>	<p>51 \$2,083 per month (from TC letter opinion, not listed in COA opinion)</p>	<p><u>Trial Court</u> Transitional support of \$300 per month for 24 months and maintenance support of \$700 per month, indefinitely, retroactive to service of petition on Husband.</p> <p><u>Court of Appeals</u> Reversed and remanded because Wife did not ask for retroactive support in her petition.</p>	<p>Husband did not appeal the amount and duration of the spousal support award, only the retroactivity. The trial court relied on the <i>Triperinas</i> case, decided in 2002. The relevant language in ORS 107.105(1)(d) was added in 2011, so <i>Triperinas</i> is not informative. The statute and legislative history support the notion that retroactive spousal support can only be ordered if requested in the petition or motion for temporary support and served on the other party.</p>
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