

Circuit Court for Montgomery County  
Case No. 149977FL

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 351

September Term, 2020

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EBRIMA NYING

v.

HUJAYJA NYING

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Fader, C.J.,  
Berger,  
Arthur,

JJ.

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Opinion by Berger, J.

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Filed: May 26, 2021

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

This appeal arises out of a memorandum opinion and order of the Circuit Court for Montgomery County granting an absolute divorce between Ebrima Nying (“Husband”) and Hujayja Nying (“Wife”). In the same memorandum opinion and order, the circuit court valued and divided the couple’s marital property and awarded Wife rehabilitative alimony in the amount of \$1,000.00 per month for thirty-six months. The court further awarded Wife a monetary award of \$15,000.00.

Husband noted a timely appeal and presents two issues for our review:

1. Whether the circuit court erred and/or abused its discretion by awarding Wife a monetary award of \$15,000.00.
2. Whether the circuit court erred and/or abused its discretion by awarding rehabilitative alimony to Wife.

Perceiving no error, we shall affirm.

#### **FACTUAL AND PROCEDURAL BACKGROUND**

Husband and Wife married on January 16, 1997 in Gambia. They are the parents of two children, one of whom is a minor. Wife is a resident of Montgomery County, Maryland, and Husband is a resident of Prince George’s County, Maryland. The parties separated in January 2014 and Wife filed a Complaint for Absolute Divorce on December 14, 2017. Wife asserted that the grounds for divorce were a twelve-month voluntary separation and desertion. Husband filed a counter complaint of March 7, 2014 on the grounds of voluntary separation and adultery. The parties resolved all issues concerning custody, child access, and child support. A merits trial on contested financial

issues was held on June 17, 2019 and September 23, 2019.<sup>1</sup> The trial court held the matter under advisement and subsequently issued a written memorandum opinion and order on April 21, 2020.

In the trial court’s comprehensive seventeen-page memorandum opinion, the court explained in detail its factual findings and legal conclusions regarding the disputed items. Specifically, the trial court addressed whether various assets were marital or sole property and determined the value of the following assets: the parties’ University of Iowa Community Credit Union savings, checking, and IRA accounts, Husband’s Maryland State Retirement and Pension account, the parties’ Chartered Bank of Gambia account, Gambian real estate, Husband’s Bank of America checking account, Wife’s Wells Fargo checking account, and Wife’s Capital One checking account. The trial court determined that the total value of the parties’ property, net of debt, was \$23,872.00, and there was no non-marital property. This determination is not disputed on appeal.

In the context of its monetary award determination, the trial court considered the factors set forth in Md. Code (1984, 2019 Repl. Vol.), § 8-205 of the Family Law Article (“FL”). Specifically, the trial court considered each party’s monetary and non-monetary contributions to the family’s well-being, the value of the property interests of each party, each party’s economic circumstances at the time, the circumstances that contributed to the parties’ estrangement, the duration of the marriage, the age of each party, how and when

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<sup>1</sup> The merits trial was originally scheduled to be a single day but had to be continued on a second day.

specific marital property was acquired, the contribution by either party to the acquisition of real property, and any award of alimony. The trial court considered the evidence presented and resolved conflicting evidence presented by the parties when analyzing the factors. Based upon its consideration of the factors, the trial court awarded Wife a monetary award in the amount of \$15,000.00.

In their pleadings, both Husband and Wife requested an award of alimony, but in closing argument, only Wife requested an award of alimony. Husband argued that Wife's alimony request should be denied. In the context of its alimony determination, the trial court considered the applicable statutory factors set forth in FL § 11-106(b). Specifically, the court considered the ability of Wife to be wholly or partly self-supporting, the time necessary for Wife to gain sufficient education or training to enable her to find suitable employment, the standard of living that the parties established during their marriage, the duration of the marriage, the parties' monetary and non-monetary contributions to the family's well-being, the circumstances that contributed to the estrangement of the parties, the age of each party, the physical and mental condition of each party, the ability of Husband to meet his own needs while meeting the needs of Wife, any agreement between the parties, and the financial needs and financial resources of each party. Based upon its consideration of the above factors, the trial court determined that rehabilitative alimony in the amount of \$1,000.00 per month for thirty-six months was appropriate. The trial court denied the parties' requests for attorney's fees. Husband appealed.

Additional facts shall be discussed as necessitated by our consideration of the issues raised on appeal.

### STANDARD OF REVIEW

When reviewing a trial court’s monetary award determination, we “apply two standards of review.” *Richards v. Richards*, 166 Md. App. 263, 271 (2005). “[W]e utilize the ‘clearly erroneous’ standard to the court’s determination of what is, and what is not, marital property because ‘[o]rdinarily, it is a question of fact as to whether all or a portion of an asset is marital or non-marital property.’” *Id.* (quoting *Innerbichler v. Innerbichler*, 132 Md. App. 207, 229, 752 A.2d 291 (2000)). “Factual findings that are supported by substantial evidence are not clearly erroneous.” *Id.* at 272 (citing *Collins v. Collins*, 144 Md. App. 395, 409 (2002)). “Second, as to the court’s decision to grant a monetary award, and the amount thereof, we apply an abuse of discretion standard of review.” *Id.* (citing *Gallagher v. Gallagher*, 118 Md. App. 567, 576 (1997)). The appellate court shall “not substitute our judgment for that of the fact finder, even if we might have reached a different result.” *Id.* (quoting *Innerbichler, supra*, 132 Md. App. at 230).

Similarly, we review a trial court’s factual determinations supporting an alimony award for clear error and review the ultimate alimony determination applying the abuse of discretion standard of review. *Malin v. Mininberg*, 153 Md. App. 358, 414-15 (2003). We have explained:

When reviewing a trial court’s award as to alimony, an appellate court will not reverse the judgment unless it concludes that “the trial court abused its discretion or rendered a judgment that was clearly wrong.” *Crabill v. Crabill*, 119

Md. App. 249, 260, 704 A.2d 532 (1998). Moreover, “appellate courts will accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings.” *Tracey* [*v. Tracey*], 328 Md. [380] at 385, 614 A.2d 590 [(1992)]. See also *Durkee* [*v. Durkee*], 144 Md. App. [161] at 173, 797 A.2d 94 [(2002)]; *Caccamise v. Caccamise*, 130 Md. App. 505, 513, 747 A.2d 221 (“The standard of review for alimony awards is the clearly erroneous standard . . .”), *cert. denied*, 359 Md. 29, 753 A.2d 2 (2000); *Digges* [*v. Digges*], 126 Md. App. [361] at 386, 730 A.2d 202 [(1999)]. As long as the trial court’s findings of fact are not clearly erroneous and the ultimate decision is not arbitrary, we will affirm it, even if we might have reached a different result. *Reese v. Huebschman*, 50 Md. App. 709, 712, 440 A.2d 1109 (1982).

*Malin, supra*, 153 Md. App. at 414-15.

## DISCUSSION

### I.

Husband’s first allegation of error by the trial court focuses upon the monetary award. Specifically, Husband asserts that the circuit court erred when it awarded Wife a \$15,000.00 monetary award. Husband contends that the trial court improperly applied the applicable statutory factors and that the award was manifestly unfair. As we shall explain, we perceive no error by the trial court in connection with the monetary award.

A trial court’s decision to grant a monetary award requires three steps of analysis contained in FL §§ 8-203 to 8-205, which we have explained as follows:

First, for each disputed item of property, the chancellor must determine whether it is marital or non-marital. [FL] §§ 8-201(e)(1); 8-203. Second, the chancellor must determine the value of all marital property. [FL] § 8-204. Third, the chancellor must decide if the division of marital property according to title would be unfair. If so, the chancellor may make a monetary award to rectify any inequity “created by the

way in which property acquired during marriage happened to be titled.” *Doser v. Dosser*, 106 Md. App. 329, 349, 664 A.2d 453 (1995). See [FL] § 8-205(a); *Long [v. Long]*, 129 Md. App. [554,] 578-79 [(2000)].

In regard to a monetary award, the chancellor is required to consider the statutory factors contained in [FL] § 8-205(b). See *Ware v. Ware*, 131 Md. App. 207, 213-14, 748 A.2d 1031 (2000); *Doser*, 106 Md. App. at 350, 664 A.2d 453.

*Flanagan v. Flanagan*, 181 Md. App. 492, 519-20 (2008) (footnote omitted). The statutory factors a trial court must consider prior to granting a monetary award are:

- (1) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
- (2) the value of all property interests of each party;
- (3) the economic circumstances of each party at the time the award is to be made;
- (4) the circumstances that contributed to the estrangement of the parties;
- (5) the duration of the marriage;
- (6) the age of each party;
- (7) the physical and mental condition of each party;
- (8) how and when specific marital property or interest in property described in subsection (a)(2) of this section, was acquired, including the effort expended by each party in accumulating the marital property or the interest in property described in subsection (a)(2) of this section, or both;
- (9) the contribution by either party of property described in § 8-201(e)(3) of this subtitle to the acquisition of real property held by the parties as tenants by the entirety;
- (10) any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and

(11) any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award or transfer of an interest in property described in subsection (a)(2) of this section, or both.

FL § 8-205(b).

In this case, Husband does not argue that the trial court incorrectly determined the status of marital and non-marital property or incorrectly determined that \$19,978.00 was subject to equitable division.<sup>2</sup> Rather, Husband asserts that the trial court incorrectly determined that an equal division to each party would be unfair to Wife and erred by awarding Wife a \$15,000.00 monetary award. Husband contends that the trial court failed to appropriately consider Husband's monetary contributions to the marriage, improperly discounted and minimized Husband's non-monetary contributions to the marriage, inappropriately focused on Wife's economic circumstances, failed to appropriately consider Wife's alleged adultery, and gave too much weight to Husband's decision to take a job in China during the marriage. We are not persuaded.

The trial court carefully considered each of the applicable factors set forth in FL § 8-205 when considering whether to grant a monetary award. The trial court considered both parties' monetary and non-monetary contributions to the family, taking into consideration Wife's earnings from her employment as an assisted living manager as well her non-monetary contributions, including "undergoing IVF to conceive their children,

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<sup>2</sup> The trial court found that the total value of the parties' marital property was \$23,872.00. Of this amount, \$20,032.00 was Husband's, \$54.00 was Wife's, and \$3,786.00 was jointly owned. The \$19,978.00 figure is obtained by subtracting Wife's \$54.00 from Husband's \$20,032.00.

cooking and cleaning, and ensuring the family’s good health, including taking time off work when the children were sick and taking the children to medical appointments.” The circuit court observed that Wife “helped and supported Husband while he was obtaining his doctorate, including typing his dissertation.”

The court found that both parties “made significant monetary contributions to the family” during their marriage. With respect to non-monetary contributions, the court found that Husband’s involvement was “limited to . . . vacations and attending parent/teacher conferences and back-to-school nights and helping the children with their math homework and studies,” while Wife’s non-monetary contributions “were much more substantial, as she was responsible for the family’s daily needs and caregiving for the children.” Husband asserts that the trial court improperly discounted and minimized his non-monetary contributions. Our examination of the record leads us to conclude that the trial court appropriately considered each party’s monetary and non-monetary contributions to the family. The trial court’s conclusions that both parties contributed monetarily to the family but that Wife’s non-monetary contributions were more significant than Husband’s were supported by the evidence presented by the parties at trial. The court was entitled to weigh the testimony it found credible, and we perceive no error by the trial court in its assessment of the evidence and conclusions regarding this factor.

When considering the economic circumstances of each party, the trial court carefully considered each party’s financial statement and determined which expenses it found reasonable. The court observed that Husband’s financial statement “states his total

monthly income and expenses as \$7,045.82 and \$6,848.17, respectively,” resulting in a monthly surplus of \$197.65. The trial court, however, found that certain adjustments to Husband’s expenses were necessary. The court observed that when asked about it at trial, Husband was unable to explain the \$895.13 for “Checks.” The court observed that this number “must be the amount that I gave her before we came into court because I give her a check every month about that same amount.” The court found that “[e]ven if this is accurate, it is not an ongoing expense and by Husband’s own admission these purported payments stopped after Wife filed this action.” For this reason, the court concluded that “[t]his amount must be removed from Husband’s expenses.”

The court made similar adjustments for other amounts that Husband could not account for at trial, including \$1,510.57 for “Transfers,” which Husband claimed was for travel to visit family and friends in New York and was in addition to \$301.83 listed for oil and gas. The court further removed \$472.17 for “ATM Withdrawals”<sup>3</sup> and “103.86” for “Loans”<sup>4</sup> and added \$974.00 for Husband’s child support obligation. The circuit court observed that Wife’s financial statement “states her total net monthly income and expenses

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<sup>3</sup> The circuit court observed that Husband had included the “ATM Withdrawals” expense under the “Clothing” category but was “unable to explain how these withdrawals were related to clothing expenses, particularly since he had also included separate amount for clothing purchases and laundry.” The court further observed that Husband “testified that he withdrew from the ATM whenever he needed cash” but “was unable to explain what he did with the cash.”

<sup>4</sup> The trial court found that Husband was “unable to explain the creditor or the amounts of these purported loans” and “failed to offer any documentary evidence of these purported loans.”

as \$2,726.69 and \$4,709.05, respectively,” resulting in a “\$1,982.36 monthly deficit.” The court found no necessary adjustments to Wife’s expenses but added the \$974.00 child support payment to her net monthly income.

On appeal, Husband asserts that the trial “court’s lengthy discussion of the economic circumstances of the parties is misplaced” but points to no specific allegations of error in the trial court’s analysis of this factor. The record reflects that the trial court carefully considered the evidence presented by each party when evaluating each party’s economic circumstances. This is precisely what the trial court was required to do pursuant to FL § 8-205(b). In our view, nothing about the trial court’s analysis of this factor was “misplaced.”

Husband takes further issue with the trial court’s consideration of Husband’s withdrawal of funds from the parties’ joint bank accounts. The court specifically considered “Husband’s inability to account for more than \$60,000[.00] that he has withdrawn from his and the [p]arties’ joint bank accounts.” The trial court “f[ound] that at least some of these funds have been moved to Gambia to fund the construction on the land that [Husband] leases there.”

On appeal, Husband asserts that his withdrawals from the joint bank accounts cannot be used to justify the monetary award because Husband was “entitled to use those monies as he was an owner and there has not been any allegation that he dissipated these assets or that the funds were used for non-marital purposes.” We disagree. The trial court was tasked with considering, *inter alia*, the economic circumstances of the parties. Husband’s

inability to account for over \$60,000.00 withdrawn from his bank accounts and the parties' joint bank accounts was certainly relevant to the parties' economic circumstances. As such, it was appropriate for the trial court's consideration.

Husband takes further issue with the trial court's assessment of the circumstances that contributed to the parties' estrangement. In particular, Husband focuses on the circumstances surrounding his relocation to China and Wife's alleged adultery. The trial court described the circumstances that contributed to the parties' estrangement as follows:

Over Wife's objection, on August 25, 2013, Husband left the family and relocated to China for a teaching position. Husband wanted the entire family to relocate, but Wife had health and education concerns for the children. Both children have respiratory conditions and Wife was concerned that China's air quality would be detrimental to the children's health. Wife also believed that relocating their children, particularly their son who was about to begin high school, would be detrimental to their well-being. Husband's relocation to China proved to be the demise of the Parties' marriage.

Husband has claimed that Wife's adultery caused the Parties' estrangement. However, Husband proved nothing more beyond telephone calls between Wife and another male, which Wife described as having been an attempt to beg for money when Husband had reduced his monetary contributions to the family. Husband presented no evidence the prove that Wife and the other person were together at a time and place and under circumstances which provided them an opportunity to engage in sexual intercourse, would they have been so disposed. Husband also presented no evidence that both Wife and the man in question have an adulterous disposition, *i.e.*, the inclination of each one to commit adultery when there is an opportunity to do so. The Court finds that Husband failed to prove that Wife had engaged in an adulterous relationship. *See Borne v. Borne*, 33 Md. App. 578, 582 (1976) (In the absence of direct proof, adultery can be found through evidence proving that the spouse and companion were together at a time

and place and under circumstances which provided them an opportunity to engage in sexual intercourse, should they be so disposed, or evidence that both the man and the woman in question have an adulterous disposition, *i.e.*, the inclination of each one to commit adultery when there is an opportunity to do so.).

Husband asserts that the trial court should not have considered his job in China as a factor in the estrangement because the position in China was for a set two-year time period and was for the benefit of the family. Husband asserts that Wife's adultery led to the breakdown in the parties' marriage and that Wife had admitted her infidelity to Husband. Husband points to phone records demonstrating that Wife had many conversations with the man Husband asserts was Wife's boyfriend.

To be sure, the parties each presented evidence in support of their conflicting contentions as to the cause of the breakdown of the marriage. Wife testified that the relationship was "very rocky due to the fact that [Husband] doesn't communicate" and that Husband "doesn't have empathy" and is "very controlling." Wife also testified that Husband has been "verbally and physically abusive" and had "body slammed" her in the past, but she "drop[ped] all the charges" because of "pressure on both sides of the family." With respect to Husband's decision to move to China, Wife testified that Husband "just told me I have a job in China and I want us all to move." Wife explained that she was concerned about the air quality in China given the children's respiratory issues. Wife testified that Husband went to China despite her concerns. After the move, the parties' relationship was "very, very bad" because Husband was "angry" at Wife. With respect to Husband's allegations that Wife had been unfaithful, Wife testified that she "never

committed adultery.” Wife acknowledged that she had begged for money from people within the local Gambian community and that telephone records reflected those calls.

Unsurprisingly, Husband characterized the breakdown of the parties’ marriage quite differently. Husband testified that he had begun discussing a potential work opportunity in China approximately a year before he actually left. He explained that “the opportunity” in China was “better than [he] had in the U.S.” He testified that it was “an opportunity for [him] to go and teach and take care of [his] family way better than [he] could in the United States.” Husband attributes the cause of the breakdown of the marriage to Wife’s alleged adultery. Husband testified that he discovered Wife “mumbling” into the phone at 12:35 a.m., after which Wife admitted that she had been speaking to a boyfriend with whom she had been cheating on Husband. Husband produced telephone records showing calls made from Wife’s phone to a phone Husband claimed belonged to Wife’s boyfriend. Husband testified that Wife was “cheating with this guy the whole 16 years [he] was married with her.” As we discussed *supra*, Wife disputed Husband’s version of events, asserting that the phone calls were for the purpose of begging for money and that she had not committed adultery.

Before the trial court, the parties presented evidence supporting very different views as to the circumstances that contributed to the parties’ estrangement. Critically, it is the role of the circuit court to resolve any conflicts in the evidence presented and assess the credibility of the witnesses. *Smith v. State*, 415 Md. 174, 185 (2010) (“Because the factfinder possesses the unique opportunity to view the evidence and to observe first-hand the

demeanor and to assess the credibility of witnesses during their live testimony, we do not re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence.”). The circuit court was entitled to credit the testimony of Wife and discredit the testimony of Husband as to the cause of the breakdown in the parties’ marriage.

Furthermore, we are not persuaded by Husband’s contention that the only fact that weighed in favor of a monetary award was the length of the parties’ marriage. The trial court appropriately and comprehensively considered the FL § 8-205 factors when determining that a monetary award of \$15,000.00 to Wife was appropriate. The trial court’s factual determinations were supported by evidence in the record and were not clearly erroneous. We shall not endeavor to re-weigh each of the factors on appeal. Instead, we defer to the trial court’s findings and judgments as to the monetary award. *See Tracey, supra*, 328 Md. at 385 (“[A]ppellate courts will accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings.”). We, therefore, reject Husband’s assertion that the trial court erred and/or abused its discretion in connection with the monetary award.

## II.

Husband takes further issue with the trial court’s rehabilitative alimony award of \$1,000.00 per month for a period of thirty-six months. Husband asserts that the trial court failed to appropriately consider Wife’s ability to become self-supporting. Husband asserts that Wife was not seeking better employment at the time of trial, nor was wife pursuing education or training to assist her efforts to become self-supporting. Husband further

emphasizes that although Wife testified about certain health issues, she did not present any independent evidence. Husband contends that the health conditions do not prevent Wife from working a full-time position. In addition, Husband argues that the trial court did not appropriately consider the parties' debt when concluding that the parties had a comfortable lifestyle during their marriage. Husband contends that the only factor that supports the trial court's alimony award is the length of the parties' marriage. As we shall explain, we are not persuaded by Husband's contentions.

The award of alimony is governed by FL § 11-106. The purpose of alimony is to provide trial courts with the ability to ensure "an appropriate degree of spousal support . . . after the dissolution of a marriage." *Tracey, supra*, 328 Md. at 388. It is well settled that the party seeking alimony bears the burden of proving the facts necessary to meet the statutory requirements. *Simonds v. Simonds*, 165 Md. App. 591, 607 (2005); *Thomasian v. Thomasian*, 79 Md. App. 188, 195 (1989). Section 11-106(b) of the Family Law Article sets forth the factors that the trial court must review when issuing an award of alimony.

These factors include:

- (1) the ability of the party seeking alimony to be wholly or partly self-supporting;
- (2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment;
- (3) the standard of living that the parties established during their marriage;
- (4) the duration of the marriage;

- (5) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
- (6) the circumstances that contributed to the estrangement of the parties;
- (7) the age of each party;
- (8) the physical and mental condition of each party;
- (9) the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony;
- (10) any agreement between the parties;
- (11) the financial needs and financial resources of each party, including:
  - (i) all income and assets, including property that does not produce income;
  - (ii) any award made under §§ 8–205 and 8–208 of this article;
  - (iii) the nature and amount of the financial obligations of each party; and
  - (iv) the right of each party to receive retirement benefits; and
- (12) whether the award would cause a spouse who is a resident of a related institution as defined in § 19–301 of the Health–General Article and from whom alimony is sought to become eligible for medical assistance earlier than would otherwise occur.

FL § 11-106(b).

Although the court is required to give consideration to each of the factors contained in the statute as applicable to a given case, it is not required to employ a formal checklist, mention specifically each factor, or announce each and every reason for its ultimate

decision. *Doser v. Doser*, 106 Md. App. 329, 356 (1995); *Hollander v. Hollander*, 89 Md. App. 156, 176 (1991). We may examine the record as a whole to see if the court's findings were based on the mandated factors. *Doser, supra*, 106 Md. App. at 356.

A court may award alimony in one of two different forms. *Walter v. Walter*, 181 Md. App. 273, 281 (2008). The first type is alimony for a fixed period of time, also known as rehabilitative alimony. *Id.* The second type is alimony for an indefinite period of time, also known as permanent alimony. *Id.* “When alimony is awarded, the law prefers that the award be for a fixed term.” *Id.*

Husband asserts that Wife has the ability to become self-supporting and that Wife’s failure to seek better employment or pursue education that would enable her to obtain better employment should weigh against an award of alimony. The trial court expressly found that Wife was unable to work more due to her health issues and that Wife “has no opportunity to be paid for overtime in her current employment.” The trial court was entitled to credit Wife’s testimony regarding her health issues and employment situation. Furthermore, the trial court’s conclusions regarding Wife’s inability to obtain a higher paying position were reasonable and based upon the evidence presented. Contrary to Husband’s contentions, Wife was not required to submit independent medical evidence to support her assertion that she was unable to work additional hours.

Husband takes further issue with the trial court’s conclusions regarding the standard of living established during the parties’ marriage. The trial court concluded that the parties “lived a comfortable lifestyle” and “were able to pay their bills.” The court found that the

parties “went to amusement parks and camping trips, traveled to New York and Texas, and went out to eat.” The court further found that the parties “had a lot of visitors and they took them out to eat” and “went out for family dinners to celebrate birthdays.” Husband asserts that the circuit court did not consider the parties’ credit card debt or the parties’ vehicle payments and asserts that the testimony at trial “does not support the court’s conclusion of a comfortable lifestyle.” Instead, Husband asserts that the parties “were using debt to finance their lifestyle.” We disagree with Husband that the parties’ consumer debt suggests that the trial court’s general finding that the parties lived a comfortable lifestyle during their marriage was clearly erroneous. The trial court did not find that the parties lived an extravagant lifestyle, and, in our view, the court’s finding that they lived a “comfortable lifestyle” was consistent with some amount of consumer debt.<sup>5</sup>

Husband asserts that the “only factor” that supports the alimony award is his own ability to meet his needs while contributing to the needs of Wife and that the fact that Husband “earns a little more money than” Wife “is not justification for the award.” The trial court did not base its alimony determination on this factor alone. Rather, the court expressly considered Wife’s monthly deficit of \$1,008.36, her age of fifty-nine years, her employment status, and her health issues. The court further considered that Wife had “no

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<sup>5</sup> The trial court discussed Husband’s claimed “liabilities totaling \$12,795[.00]” which “consist[ed] of an unspecified bank loan and balances on four credit card accounts. Other aspects of Husband’s finances were unclear to the trial court as well. We do not endeavor to address each aspect of the parties’ financial circumstances in this opinion. Rather, we conclude that the trial court’s general conclusion that the parties’ lifestyle was “comfortable” is not clearly erroneous.

pension or retirement accounts.” The court incorporated its earlier considerations from the monetary award determination in its alimony analysis, including its consideration of the duration of the marriage, each party’s monetary and non-monetary contributions to the family’s well-being, and the circumstances that contributed to the estrangement of the parties, which we summarized *supra* in Part I of this opinion.

The circuit court considered the enumerated factors set forth in FL § 11-106(b) prior to awarding Wife alimony for a period of thirty-six months. The factual findings made by the trial court in its consideration of the FL § 11-106(b) factors were not clearly erroneous. *See Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (discussing a trial judge’s wide latitude in crediting “all, part, or none of the testimony of any witness, whether that testimony was or was not contradicted or corroborated by any other evidence”). Having considered the requisite factors and applied the factors to the facts and circumstances of the present case, the circuit court crafted an award which would “facilitate [Wife’s] transition to the single state and rehabilitate her to self-sufficiency.” Accordingly, we perceive no error in the circuit court’s alimony award, and we shall affirm.

**JUDGMENT OF THE CIRCUIT COURT  
FOR MONTGOMERY COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**