UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1906

September Term, 2015

JOSEPH G. LUKAS

v.

JANET LUKAS

Graeff,
Nazarian,
Leahy,

JJ.

Opinion by Graeff, J.

Filed: November 2, 2016

On March 3, 1990, Joseph G. Lukas, Jr., appellant, and Janet Lukas, appellee, were married.[1] On August 26, 2015, the Circuit Court for Harford County granted Mr. Lukas a Judgment of Absolute Divorce.

On appeal, Mr. Lukas presents four questions for this Court's review, which we have consolidated and rephrased, as follows:

> Did the circuit court err or abuse its discretion in awarding Mrs. Lukas indefinite alimony in the amount of $1,700 per month?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

On March 3, 1990, the parties were married. At the time of trial, Mr. Lukas was 59 years old and Mrs. Lukas was 57 years old. They had two adult sons who were ages 20 and 25. On April 28, 2014, Mr. Lukas filed a Complaint for Limited Divorce, and the circuit court ordered that Mr. Lukas pay $1,000 per month *pendente lite* alimony to Mrs. Lukas. On June 30, 2015, he filed an Amended Complaint for Absolute Divorce. The parties resolved all of the property division issues pre-trial, leaving only the issue of alimony unresolved.

At trial, Mrs. Lukas testified that she had a high school education and worked at an elementary school as a "special ed/para educator" for the Harford County Board of Education. Her annual salary, at the time, was $19,000. Mrs. Lukas testified that she never had a salary more than $19,000. She was in good health.

[1] The Judgment of Absolute Divorce restored Janet Lukas' former surname, "Sgroi." We will refer to her as "Mrs. Lukas" throughout this opinion because it is the name of record used in these proceedings.

She and Mr. Lukas separated on April 17, 2014, after she suffered "years of abuse physically and mentally."[2] She stated that Mr. Lukas abused alcohol and she believed he abused prescription drugs.

On July 7, 2014, Mrs. Lukas took a part-time job at Walmart, which paid $10.10 per hour. She worked full-time at Walmart during the summer months immediately preceding trial, but she cut her hours to 17 hours per week after the school year began.

Mrs. Lukas received healthcare coverage thorough her employer, Harford County Board of Education, which extended to Mr. Lukas while they were married. Mrs. Lukas also received a pension through the State.

Mrs. Lukas presented a Financial Statement, Defendant's Exhibit 1, which listed $1,608 monthly income (from her school job and her part-time employment), and $2,220 in monthly expenses.[3] Her Financial Statement did not include any expenses for rent or mortgage. Mrs. Lukas testified that, at the time of the trial, she was living in the martial home, but she was not paying the mortgage. The bank had foreclosed on the property, and

[2] Mr. Lukas admitted that he spit on Mrs. Lukas during one altercation, but he denied striking her. Mrs. Lukas, however, testified that Mr. Lukas struck her when she "got in the middle" of a fight between her husband and one of their sons. She stated that, whenever their children needed discipline, Mr. Lukas "would get angry, and he would go after them, fist, whatever, swinging, and [she] constantly got between them."

[3] Various aspects of her Financial Statement did not add up. For example, her expenses included $500 for "Holiday Gifts," but on cross-examination, Mrs. Lukas clarified that she actually spent $500 on gifts annually, not monthly, making her gift expenses approximately $41 per month. Also, the "total expenses" listed monthly were $2,220, and her total "excess or deficit" was negative $2,220, despite that she was earning $19,000 in annual income from her school job.

she was "just waiting for them to tell [her] to leave." She stated that she had not yet decided where she would stay after being evicted. She might "get a place of [her] own" or live with a family member. She testified, however, that "[e]ither way, I will have expenses, because I would never live with a family member and not pay half of their bills." Mrs. Lukas reported a total monthly deficit of $2,200. She requested an award of alimony in the amount of $2,500.

Mr. Lukas was a partner of Patriot Pest Management, LLC. He and his partners started the company in 2005. When they started the company, his partner fronted a lot of the startup costs, $200,000, and Mr. Lukas was paying him back $1,700 per month. Accordingly, although he did have some equity in his business, it was "very little."

Mr. Lukas' annual salary was approximately $73,000 before taxes. He submitted a financial statement, which reflected his anticipated post-divorce finances. He reported $18,343.39 total liabilities, $1,206.61 total net worth, $4,223.25 total monthly income, $4,830.35 total monthly expenses, and a monthly deficit of $607.10. Mr. Lukas testified that health insurance coverage after divorce would cost approximately $724 per month, with dental coverage costing approximately $26 per month. This forecasted expense was added to his post-divorce financial statement. Mr. Lukas' post-divorce financial statement also included $1,000 for alimony, which was the amount that he had been paying pursuant to a *pendente lite* order. The financial statement also included a $50 monthly expense for co-pays for counseling, which was $10 per visit. Mr. Lukas testified on cross-examination, however, that he no longer was attending counseling five times per month.

He acknowledged that his family's spending habits were "not good." There never was a period of time in which they were saving money. He did not own a personal vehicle at the time of trial, nor did he have any retirement savings.

Mr. Lukas testified that his health was "[n]ot good." He had been in a bad car accident several years ago and had two "major operations," his "rotator" was "blown out again," and he had diabetes and arthritis. Mr. Lukas was taking a variety of prescriptions to manage his various health problems.

The circuit court awarded Mrs. Lukas indefinite alimony in the amount of $1,700 per month. This appeal followed.

DISCUSSION

Mr. Lukas argues that the circuit court erred and/or abused its discretion in awarding Mrs. Lukas indefinite alimony in the amount of $1,700 per month. At oral argument, counsel clarified that he was not arguing that indefinite alimony was improper, but rather, he was challenging the amount of $1,700 per month. In this regard, he asserts that: (1) the circuit "court was clearly erroneous in its factual findings as to Mrs. Lukas' income"; and (2) the circuit court "abused its discretion and committed clear error in finding that Mr. Lukas has the financial resources to pay $1,700.00 per month in indefinite alimony."[4]

[4] Given counsel's statement at argument that he is not challenging the entitlement to indefinite alimony, but only the amount, we need not address the arguments in the brief that Mrs. Lukas: (1) "failed to meet her burden of proof in supporting an indefinite alimony claim"; or (2) "abused its discretion in finding that there is an unconscionable disparity" in the parties' standards of living.

Mrs. Lukas disagrees. She asserts that the circuit court properly exercised its discretion in its award of alimony.

When faced with a request for alimony, the trial court must consider "'all of the factors necessary for a fair and equitable award.'" *Solomon v. Solomon*, 383 Md. 176, 195 (2004). These factors are set forth in Maryland Code (2012 Repl. Vol.) § 11-106(b) of the Family Law Article ("FL"), as follows:

> (1) the ability of the party seeking alimony to be wholly or partly self-supporting;
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> (2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment;
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> (3) the standard of living that the parties established during their marriage;
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> (4) the duration of the marriage;
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> (5) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
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> (6) the circumstances that contributed to the estrangement of the parties;
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> (7) the age of each party;
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> (8) the physical and mental condition of each party;
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> (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;
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> (10) any agreement between the parties;
>
> (11) the financial needs and financial resources of each party, including:
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> (i) all income and assets, including property that does not produce income;
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> (ii) any award made under §§ 8-205 and 8-208 of this article;
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> (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.

"[T]he law does not make any of the factors listed in section 11-106(b) determinative or mandate that they be given special weight" because the "decision whether to award alimony and, if so, for what period of time, is fact-intensive and not subject to a formulaic resolution." *Whittington v. Whittington*, 172 Md. App. 317, 341 (2007).

Although alimony initially was intended to allow a dependent spouse to maintain the same standard of living enjoyed during the marriage, after the adoption of the Maryland Alimony Act in 1980 (the "Act"), the function of alimony was "rehabilitation of the economically dependent spouse," providing "'an opportunity for the recipient party to become self-supporting.'" *Karmand v. Karmand*, 145 Md. App. 317, 327 (2002) (quoting *Turrisi v. Sanzaro*, 308 Md. 515, 524 (1987)). There are two situations, however, in which indefinite alimony may be appropriate: (1) where, "due to age, illness, infirmity, or disability, the party seeking alimony cannot reasonably be expected to make substantial progress toward becoming self-supporting"; or (2) "even after the party seeking alimony will have made as much progress toward becoming self-supporting as can reasonably be expected, the respective standards of living of the parties will be unconscionably disparate." FL § 11-106(c)(1).

As indicated, counsel for Mr. Lukas advised at oral argument that he was not challenging the court's finding that indefinite alimony was appropriate. Rather, his challenge is to the amount of the award.

We review an award of alimony under an abuse of discretion standard and uphold the factual findings of the trial court unless clearly erroneous. *Solomon*, 383 Md. at 197. Accordingly, "'we may not substitute our judgment for that of the fact finder, even if we might have reached a different result,' absent an abuse of discretion." *Gordon v. Gordon*, 174 Md. App. 583, 626 (2007) (citation omitted).

Here, the circuit court properly considered each of the factors set forth in FL § 11-106(b) prior to awarding Mrs. Lukas indefinite alimony in the amount of $1,700 per month. The court found that Mrs. Lukas was "partly self supporting," given that she had a job as a special educator/para educator and also worked part time at Walmart. The court noted that Mrs. Lukas was 57 years old, and given the amount of time that it would take to get additional training to become a full-time teacher, it was "not likely that her employment options are going to increase significantly." It found that "[t]he standard of living the parties established during their marriage was certainly middle class," and the duration of the marriage was 25 years.

With respect to monetary and nonmonetary contributions to the well-being of the family, the court found that "Mr. Lukas was the primary wage earner, and Mrs. Lukas was primarily the homemaker responsible for the upkeep and the running of the parties' household," but "she also provided monetarily based on her income." Addressing next the

circumstances that contributed to the estrangement of the parties, the court stated: "There was domestic violence. Even Mr. Lukas admitted that, ... and Mrs. Lukas[']s testimony is largely unrefuted that there was mental and physical abuse by Mr. Lukas in this case."

The court noted that Mr. Lukas was 59, and his health was "far from optimal," with diabetes, shoulder problems, and arthritis, but he was still working with the company that he co-owns. The court noted that he needed to obtain new health insurance to replace the policy he had through Mrs. Lukas. Mrs. Lukas was 57 and in "pretty good health."

The court then addressed "the ability of Mr. Lukas to meet his own needs while meeting the needs of Mrs. Lukas," noting this was the area of dispute, i.e., "whether Mr. Lukas can pay any alimony or whether he should pay, as Mrs. Lukas wants, $2,500 a month in alimony." In that regard, the court stated:

> The current award of alimony is a thousand dollars a month, and when I examine not only the bank statements, I really see that there are a lot of extraneous expenses which largely led to the deficit spending during the marriage, and even now when I look at the bank statement, that really they are based on Mr. Lukas's income. I see a lot of expenses for eating out. I see a lot of expenses for a liquor store. I see a lot of expenses for just miscellaneous things here and there, including some for the parties' sons in this case. But when I examine the financial statements of each party, it's clear that Mr. Lukas, having more extraneous and non necessary expenses, has some ability to cut down if not completely get rid of those expenses to have more disposable income for necessary things, which might include alimony for Mrs. Lukas.
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> I also would remind the parties that the legal obligation for one spouse to support the other is just that. It is not an obligation to continue to support adult children. As desirable as that may be, and as difficult as it may be to cut the cord, so to speak, and not support the adult children, the Court is not going to find that that is a legitimate expense which should trump supporting a spouse that one has a legal obligation to support.
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> * * *

So having a boat in this case and the recreational activities which are paid for, or even the co-pays for the counseling sessions for the son, all of those are not necessary expenses. So those also will not be -- are not going to be expenses that this Court can find are required for Mr. Lukas to the detriment of not being able to provide alimony for Mrs. Lukas in this case.

The parties otherwise have no agreement, and it's clear that Mrs. Lukas needs some alimony. When you look at the comparative incomes of the parties, or at least the last two years, Mr. Lukas's income has exceeded $72,000. For 2014, based on his income tax return, it is clear that it exceeded $73,000. Mrs. Lukas's income of $19,000 is approximately one/fourth. One/fourth of that.

So even if I look just at Mr. Lukas's net income of $4,000 a month, there are expenses on his Financial Statement that are not necessary expenses. The co-pays for the son, the upkeep of the boat, the insurance on the boat, even possessing the boat in this case, and being able to participate in recreational activities, in contrast to --

In contrast, Mrs. Lukas's Financial Statement is more sparse given her more limited income. I think if I had to find something to critique about it, the $500 at Christmastime for gifts, although it factors out to about 40 something a month when you divide it by 12, probably not a necessary expense given that it's gifts. It's nice to be able to give gifts, but not to one's detriment financially.

The financial needs and financial resources of each party. As I have already indicated, there is nothing with respect to a monetary award that the Court needs to factor into this determination of alimony.

All income and assets. I have made a determination as to what those are.

The nature and amount of financial obligations of each party. I have already spoken with respect to that.

The court then noted that Mr. Lukas does not have a retirement income, and Mrs. Lukas would have a pension through the Harford County Public School System. Both likely would be eligible for Social Security.

The court then found:

Due to age, infirmity or disability, Mrs. Lukas cannot reasonably be expected to make substantial progress towards becoming self supporting, or even after having made as much progress towards becoming self supporting as can be reasonably expected, the respective standards of living of the parties will be unconscionably disparate.

I have already ruled that she has made progress towards becoming partly self supporting. Given her age, any additional training would not seem to increase her employment options and her ability to earn more income in this case.

Then with respect to the standards of living, it was middle class. Although the parties were operating at a deficit, but their reasons for that, when you look at their expenses, as I've already explained. But their standard of living will be unconscionably disparate at this point in time given that neither one has reached the age of 60 yet, although Mr. Lukas shortly will. But neither one is actually considering retirement based on the testimony that I have heard so far.

* * *

Mr. Lukas can ask the sons to pull their fair share of their own living expenses, as can Mrs. Lukas in this case, but at this point, given all of the financial resources of these parties, the distinct difference in their incomes at this point, and the ability of Mrs. Lukas to become wholly self supporting -- it's clear that's not going to happen for Mrs. Lukas without Mr. Lukas's assistance. It is not up to Mrs. Lukas's family, who have no legal obligation to assist her. They may want to do that, but they have no legal obligation to do so. Only if she were an adult disabled child would her parents have that obligation, but siblings and her parents, given her health at this point, have no legal obligation. That obligation is Mr. Lukas's. Expecting her to be taken in by either her parents or a sibling, to their detriment perhaps, is not a solution to this problem. It's not a perfect solution that the Court is providing here either, but in light of all that, a thousand dollars a month, while it's helpful is not substantial enough to assist Mrs. Lukas in this matter.

So I am going to award Mrs. Lukas indefinite alimony in the amount of $1,700 a month, and that will increase her income in this case to about $40,000. I did do the math precisely, but it should assist her. And even though Mr. Lukas will still have more income, certainly Mrs. Lukas with that assistance can be wholly self supporting in this case, and also given that at

> some point this would be modifiable at the point where he is eligible to collect Social Security or retirement benefits.
>
> So that's the ruling of the Court. The absolute divorce is granted, and the alimony for the reasons that I have stated on the record will be awarded to Mrs. Lukas in the amount of $1,700 a month payable by Mr. Lukas by way of an Earnings Withholding Order, and in this case, it is indefinite alimony subject to modification.

Immediately after the court made these findings and issued its rulings, Mr. Lukas' counsel asked the court to reconsider, and the following colloquy occurred:

> [COUNSEL FOR MR. LUKAS:] Your Honor, I would respectfully ask the Court to reconsider. I think what's not being considered is Mrs. Lukas does have income. If you add the 1,700 and the 1,700 she already nets from herself, that's 3,400. If you take Mr. Lukas's 4,000 net and subtract 1,700, he is stuck with 2,300 to have an apartment, food and --
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> THE COURT: I appreciate you making that motion, but when I look at the expenses, and I didn't just look at the highlighted portions that were elicited on testimony from the bank statements, I looked at the actual expenses themselves, and I see a lot of funds that are used for extraneous expenses every month that appear to be a lot of eating out, Skatology was on there. I don't really see either one of these folks being the ones to go to Skatology or skateboarding. So it makes me wonder if there are other expenses. I am not going to just lay them all out, but I have considered all of the expenses in terms of Mr. Lukas's income where there is a great deal of, frankly, waste.
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> [COUNSEL FOR MR. LUKAS:] I appreciate -- certainly understand where you are coming from, but what I am getting at is I don't know how that gets to the point that Mrs. Lukas has more income than Mr. Lukas.
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> THE COURT: Well, I don't believe that that's true though, because I don't believe that all of his expenses on his Financial Statement only give him are all legitimate expenses that he is required to pay, and he will have more income at some point. So that's the ruling of the Court.

I.

Mrs. Lukas' Income

We address first Mr. Lukas' argument that the circuit court "was clearly erroneous in its factual findings as to Mrs. Lukas' income." He asserts that the court found that Mrs. Lukas' income was $19,000, or one-fourth of Mr. Lukas' $73,000 income. He asserts that, pursuant to Mrs. Lukas' testimony, her annual income "is actually $29,382.90, per her own testimony," or approximately 40% of Mr. Lukas' salary.[5] Accordingly, he contends that the circuit court's "finding as to Mrs. Lukas'[] income was clearly inaccurate and the [c]ourt did not explain why it did not include the summer and part time income in its conclusion that Mrs. Lukas earned $19,000, and for that reason alone, this matter should be reversed and remanded."

Mrs. Lukas contends that the circuit court's findings of fact were not clearly erroneous. She makes numerous arguments in support of this contention, the most persuasive of which is that the Maryland appellate courts have held that, in considering the income and assets of each party in determining alimony, the circuit court is "not required to consider the dependent spouse's income from a part-time job where she was already

[5] Mr. Lukas notes that Mrs. Lukas testified that her "employment with the school district is ten month employment," and she worked full time at Walmart, at $10.10 per hour, during the summer and 17 hours per week during the school year. His calculations are as follows:

> $10.10 per hour for eight weeks of the summer is a gross amount of $2,828.00. $10.10 per hour averaging 17 hours per week for the remaining 44 weeks of the year, is an additional $7,554.80. This means that Mrs. Lukas'[] annual income is actually $29,382.90.

working full-time and had taken the part-time job to supplement her income." (citing *Tracey v. Tracey*, 328 Md. 380, 386 (1992); *Digges v. Digges*, 126 Md. App. 361, 392-93 (1999)).

We agree with Mrs. Lukas that *Digges* is instructive on this issue. In that case, Ms. Digges, who worked full-time as a school teacher, contended that "the court erred when, in determining her projected income for purposes of alimony, it included the $240.00 per month she earned from tutoring." She complained that she "ha[d] been forced to tutor students in the late afternoons, evenings, and on Saturdays to pay basic necessities," in part because of Mr. Digges' failure to pay child support and alimony during the pending litigation. 126 Md. App. at 391. Ms. Digges contended that "the court's consideration of her part-time earnings [was] 'contrary to the legislative intent of an equitable, fair, and just award of alimony.'" *Id.*

This Court agreed, noting that "the Court of Appeals has made clear that the use of the phrase 'all income' in F.L. 11-106(b)(11)(i) does not require a court to include income from part time employment in calculating an alimony award." *Digges*, 126 Md. App. at 391. We explained:

> In *Tracey, supra,* 328 Md. 380, the Court upheld a trial judge's *exclusion* of part-time income, stating that "income" as it is used in that section means "wages or salary from *regular, full-time employment,* i.e., money earned during the normal work week as is appropriate to a given occupation." *Id.* at 389 (Emphasis added). In that case, the court awarded indefinite alimony to a woman who, after twenty-six years of marriage, earned $15,381.88 as a full-time civilian payroll technician for the federal government, compared to her spouse's income of $57,973.25 as a supervisor for a utility company. *Id.* at 382-83. At the time of the divorce, Ms. Tracey supplemented her income

with money from a part-time job at a fast food restaurant. In calculating the alimony award, the trial court excluded the part-time earnings, stating:

> I believe that one is not required to work two jobs. Neither of them during their lifetime[s] had two jobs of employment. They each had one job . . . . And one does not have to work all the hours she does . . . .

Id. at 383.

On appeal, Mr. Tracey contended that the phrase "all income" in F.L. § 11-106(b)(11)(i) required the court to include Ms. Tracey's part-time income in its calculation. The Court of Appeals disagreed. In its view, the "paramount goal" of the alimony provisions of the family law article was "to create a statutory mechanism leading to equitably sound alimony determinations by judges." *Id.* at 388. A literal reading of "all income" would hamper the efforts of trial judges to arrive at a "just" alimony award. *Id.* at 388-89. The Court noted that "[p]art time work is often tenuous in prospect and short in duration. To include such income as a matter of course may ultimately result in a false picture of a party's economic self-sufficiency or security." *Id.* The Court said:

> For a payroll clerk like [Ms. Tracey], thirty-five to forty hours per week is undoubtedly the norm. The trial court found [Ms. Tracey's] second, part-time job at McDonald's to be temporary work, in the nature of a stop-gap, filling the interim between the Traceys' final separation and the resolution of their financial affairs attendant upon divorce. [Ms. Tracey] worked at McDonald's as many as twenty or twenty-five additional hours each week. Her work week of sixty to sixty-five hours can only be described as burdensome . . . . The alimony statute does not consign [Ms. Tracey] to an existence of unremitting toil.

Id. at 389-90.

Digges, 126 Md. App. at 391-93 (parallel citations omitted).

In *Digges*, we concluded that the trial court was neither required to include appellee's part-time income in its alimony calculation, nor prohibited from including part-time wages as "income." *Id.* at 393. Rather, the determination whether to include part-

time income is a matter "within the trial court's discretion" in "tailor[ing] a 'just' award." *Id.*

Accordingly, in this case, the circuit court was free, in the exercise of its discretion, to exclude the income that Mrs. Lukas earned from Walmart. Mr. Lukas' contention to the contrary is without merit.

II.

Ability to Pay

Mr. Lukas' next contention is that the circuit court "abused its discretion and committed clear error in finding that he had the financial resources to pay $1,700.00 per month in indefinite alimony. He contends that, given his listed expenses, the alimony award leaves him only "$306.80 per month to buy groceries, household supplies, pay for copays, pay for out of pocket dental costs, pay for counseling, attorney's fees, purchase clothes, save for retirement, save money for any emergencies and cover any increases in rent or health insurance costs."

We are not persuaded. As indicated, in determining the appropriate amount of alimony, the circuit court addressed each of the requisite factors. It noted that the parties had been married 25 years, during which time Mr. Lukas had engaged in mental and physical abuse of Mrs. Lukas. With respect to income, the court found that Mrs. Lukas, after assuming the role of homemaker primarily in charge of running the household, had

an income that was approximately 25% of Mr. Lukas' income.[6] And at her age of 57, it was unlikely that her employment options would increase. Although Mr. Lukas contends that, based on his expenses, he cannot afford to pay the amount of alimony awarded, the court found that Mr. Lukas had many "extraneous and non necessary" expenses. Given the large disparity in the parties' incomes, and the other evidence in the record, we cannot conclude that the circuit court abused its discretion in awarding alimony in the amount of $1,700 a month.

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

[6] Given that Mrs. Lukas' income was $19,000 and Mr. Lukas' income was $73,000, her income was 26% of his income, clearly supporting the court's finding of an unconscionable disparity. *See Tracey*, 328 Md. at 393, 614 A.2d at 597 (28 %); *Caldwell v. Caldwell*, 103 Md. App. 452, 464, 653 A.2d 994, 999 (1995) (43 %); *Blaine v. Blaine*, 97 Md. App. 689, 708, 632 A.2d 191, 201 (1993), *aff'd on other grounds*, 336 Md. 49, 646 A.2d 413 (1994) (23 %); *Rock v. Rock*, 86 Md. App. 598, 613, 587 A.2d 1133, 1140 (1991) (20-30 %); *Broseus v. Broseus*, 82 Md. App. 183, 186, 570 A.2d 874, 880 (1990) (46 %); *Bricker v. Bricker*, 78 Md. App. 570, 577, 554 A.2d 444, 447 (1989) (35 %); *Benkin v. Benkin*, 71 Md. App. 191, 199, 524 A.2d 789, 793 (1987) (16 %); *Zorich v. Zorich*, 63 Md. App. 710, 717, 493 A.2d 1096, 1099 (1985) (20 %); *Kennedy v. Kennedy*, 55 Md. App. 299, 307, 462 A.2d 1208, 1214 (1983) (33 %).