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# ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2023-2024

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CL-2023-0511

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**Earnest L. White, Jr.**

v.

**Kimberly K. Jones**

**Appeal from Mobile Circuit Court  
(DR-22-900151)**

MOORE, Presiding Judge.

Earnest L. White, Jr. ("the husband"), appeals from a judgment entered by the Mobile Circuit Court ("the trial court") divorcing him from Kimberly K. Jones ("the wife"). We reverse the trial court's judgment and remand the case for the trial court to make those findings necessary to comply with Ala. Code 1975, § 30-2-57(b).

The parties married on August 29, 2008. The husband filed a complaint for a divorce on February 10, 2022. The wife filed an answer and a counterclaim for a divorce on April 21, 2022. A trial was conducted on April 4, 2023, and, on April 12, 2023, the trial court entered a judgment of divorce. In the divorce judgment, the trial court, among other things, awarded the wife \$500 per month in periodic alimony for 180 months and ordered the husband to pay a marital debt to One Main Financial that had been incurred in his name.

On May 10, 2023, the husband filed a postjudgment motion in which he requested, in pertinent part, that the trial court amend the divorce judgment to include the specific findings of fact that are required when awarding periodic alimony, see § 30-2-57, and to amend the judgment to require the wife to pay the debt owed to One Main Financial. On June 7, 2023, the trial court granted the postjudgment motion, in part, by amending the judgment to provide:

"[The wife] is awarded periodic alimony in the amount of \$500.00 per month for a period of 180 months. [The wife] lacked a separate estate and she had no employment income during the fifteen (15) year marriage. [The husband] has the ability to pay [the wife] and [the husband]'s income is substantially more than [the wife's] and [the award of

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alimony] is equitable based upon the totality of the circumstances."

On July 19, 2023, the husband appealed from the amended judgment to this court.

The husband primarily argues that the trial court abused its discretion in awarding the wife periodic alimony. As part of his argument, the husband contends that the trial court did not fully comply with § 30-2-57 by finding that the wife should receive periodic alimony. The husband concedes that the trial court complied with § 30-2-57(a), which requires a trial court awarding alimony to specifically find:

"(1) A party lacks a separate estate or his or her separate estate is insufficient to enable the party to acquire the ability to preserve, to the extent possible, the economic status quo of the parties as it existed during the marriage.

"(2) The other party has the ability to supply those means without undue economic hardship.

"(3) The circumstances of the case make it equitable."

However, the husband complains that the trial court did not comply with § 30-2-57(b), which provides:

"If a party has met the requirements of subsection (a), the court shall award alimony in the following priority:

"(1) Unless the court expressly finds that rehabilitative alimony is not feasible, the court shall award rehabilitative alimony to the party for a limited duration, not to exceed five years, absent extraordinary circumstances, of an amount to enable the party to acquire the ability to preserve, to the extent possible, the economic status quo of the parties as it existed during the marriage.

"(2) In cases in which the court expressly finds that rehabilitation is not feasible, a good-faith attempt at rehabilitation fails, or good-faith rehabilitation only enables the party to partially acquire the ability to preserve, to the extent possible, the economic status quo of the parties as it existed during the marriage, the court shall award the party periodic installments of alimony for a duration and an amount to allow the party to preserve, to the extent possible, the economic status quo of the parties as it existed during the marriage as provided in subsection (g)."

We agree with the husband that the judgment is due to be reversed because the trial court failed to comply with § 30-2-57(b). The general purpose of making specific findings of fact is to allow the trial court "to carefully review the evidence and to perfect the issues for review on appeal." Ex parte Vaughn, 495 So. 2d 83, 87 (Ala.1986). Section 30-2-57(b) requires a trial court that has found the general elements necessary to award alimony pursuant to § 30-2-57(a) to focus on the nature and duration of the alimony that should be awarded. The legislature

evidently intended that a trial court could not award periodic alimony without first carefully reviewing the evidence to determine if rehabilitative alimony would be the more appropriate remedy. The legislature further intended that an appellate court could not assume that the trial court had impliedly made the necessary findings so that appellate review would be directed mainly to determining whether the evidence supported the express findings made by the trial court and whether the trial court abused its discretion in awarding periodic alimony instead of rehabilitative alimony.

In this case, when amending the judgment, the trial court did not expressly find that rehabilitation was not feasible, nor did it make any of the other findings that would justify awarding periodic alimony as opposed to rehabilitative alimony pursuant to § 30-2-57(b). As we have previously held in similar cases, see, e.g., Lopez v. Rodriguez, [Ms. 2210320, Jan. 20, 2023] \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2023); Merrick v. Merrick, 352 So. 3d 770 (Ala. Civ. App. 2021), the trial court's failure to make those findings required by § 30-2-57(b) constitutes reversible error. Therefore, we reverse the judgment, and we remand the case to the trial court for it to make those findings necessary to comply with § 30-2-57(b)

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and to take such other actions as are consistent with this opinion. See Merrick, supra.

Based on our disposition of this appeal, we pretermit any discussion of the husband's other arguments regarding the award of periodic alimony, which are not ripe for review until the trial court makes the necessary findings. We also pretermit discussion of the husband's secondary argument that the trial court erred in assigning the One Main Financial debt to him. Whether the trial court abused its discretion when dividing the marital debts requires consideration of the entire property-division and alimony awards together. On remand, the trial court may reconsider the alimony award and the property division, so it would likewise be premature for this court to address the assignment of the One Main Financial debt. Id.

**REVERSED AND REMANDED WITH INSTRUCTIONS.**

Edwards, Hanson, and Fridy, JJ., concur.