

KEVIN K. QUIST

v.

LISA A. QUIST

Submitted on Briefs January 24, 2008
Decided March 18, 2008

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Kevin K. Quist appeals from a divorce judgment entered in the District Court (Caribou, *Daigle, J.*) awarding general spousal support for nine and one-half years and attorney fees to Lisa A. Quist. Lisa Quist cross-appeals the limiting of spousal support to nine and one-half years and the court's denial of her request for attorney fees and costs for the post-divorce motions and this appeal. Contrary to Kevin Quist's contentions, the final divorce judgment, with its subsequent amendments, including the amendment as a result of Kevin Quist's motion for findings, reflects the court's independent judgment. *See Jarvis v. Jarvis*, 2003 ME 53, ¶ 15, 832 A.2d 775, 779. Additionally, the court did not abuse its discretion or

violate a “positive rule of law” in finding Kevin Quist capable of paying and Lisa Quist in need of \$400 per month in spousal support, *see Fitzpatrick v. Fitzpatrick*, 2006 ME 140, ¶ 8, 910 A.2d 396, 398; *Ramsdell v. Ramsdell*, 1997 ME 14, ¶ 5, 688 A.2d 918, 920-21, or in finding that Lisa Quist had not overcome the statutory presumption limiting spousal support to one-half the length of the marriage, *see* 19-A M.R.S. § 951-A(2)(A) (2007). Nor did the court err when it refused to reduce Kevin Quist’s gross income by the amount of spousal support he is required to pay in order to calculate his child support obligation. *See Koszegi v. Erickson*, 2004 ME 113, ¶¶ 15-19, 855 A.2d 1168, 1171-72. The court did not abuse its discretion in awarding Lisa Quist attorney fees, *see Carter v. Carter*, 2006 ME 68, ¶ 22, 900 A.2d 200, 205; *Largay v. Largay*, 2000 ME 108, ¶ 16, 752 A.2d 194, 198, or in denying Lisa Quist’s motion for fees for the post-judgment motions, *see Urquhart v. Urquhart*, 2004 ME 103, ¶ 6, 854 A.2d 193, 195. Finally, although the trial court properly deferred awarding attorney fees for this appeal, *see Parker v. Parker*, 598 A.2d 446, 448 (Me. 1991), such fees are permissible, *Carter*, 2006 ME 68, ¶ 22, 900 A.2d at 205; and we remand for the trial court to determine what attorney fees, if any, may be awarded for this appeal.

The entry is:

Judgment affirmed. Remanded to the District Court to determine the amount of attorney fees that may be awarded for this appeal.

Attorney for Kevin Quist:

James M. Dunleavy, Esq.
Dunleavy Law Offices, P.A.
PO Box 33
Presque Isle, Maine 04769

Attorney for Lisa A. Quist:

Richard L. Currier, Esq.
Currier & Trask, P.A.
505 Main Street
Presque Isle, Maine 04769