

KATHLEEN M. FEENSTRA

v.

MARK L. FEENSTRA

Submitted on Briefs December 1, 2010

Decided December 7, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, GORMAN, and
JABAR, JJ.

MEMORANDUM OF DECISION

Mark L. Feenstra appeals from a divorce judgment entered in the District Court (Portland, *Eggert, J.*) in which the court found Mark's earning capacity to be \$120,000. In calculating Mark's income, the court relied on competent evidence in the record that Mark had been paying his family's expenses, which totaled more than \$100,000 per year. *See Wandishin v. Wandishin*, 2009 ME 73, ¶ 14, 976 A.2d 949, 953-54 (providing the standard of review); *see also Malenko v. Handrahan*, 2009 ME 96, ¶ 37, 979 A.2d 1269, 1278 (explaining that in the absence of a motion for further findings of fact and conclusions of law pursuant to M.R. Civ. P. 52(b), we assume the court found all the facts necessary to support the judgment to the extent they are supported in the record). Because the court did not commit clear error in making its income determination, it did not abuse its discretion by relying on this figure in determining Mark's child support and spousal support obligations. *See Payne v. Payne*, 2008 ME 35, ¶ 6, 942 A.2d 713, 715 (stating that child and spousal support determinations are reviewed for an abuse of discretion).

The entry is:

Judgment affirmed.

Attorney for Mark L. Feenstra:

Scott Giese, Esq.
160 Main St.
Biddeford, Maine 04005

Attorney for Kathleen M. Feenstra:

Diane Dusini, Esq.
MITTELASEN, LLC
85 Exchange St.
Portland, Maine 04101

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