

DAVID L. HASELTINE

v.

MICHELLE A. HASELTINE

Submitted on Briefs October 27, 2011

Decided November 8, 2011

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

MEMORANDUM OF DECISION

David L. Haseltine appeals from a divorce judgment entered in the District Court (Portland, *Eggert, J.*). David argues that the court (1) misclassified non-marital property and inequitably distributed marital property, (2) improperly calculated David's child support obligation, (3) abused its discretion in awarding Michelle attorney fees, and (4) erred in entering the parties' stipulated order on parental rights and responsibilities.

Contrary to David's contentions, the court did not err in rejecting David's characterization of the parties' personal property, the home equity debt, and his earning capacity, or in crediting the characterization of property in Michelle's M.R. Civ. P. 108(c) financial statement and her testimony regarding her earning capacity. *See Theberge v. Theberge*, 2010 ME 132, ¶ 18, 9 A.3d 809. The court's valuation of the parties' real estate was within the range supported by other evidence. *See Sewall v. Saritvanich*, 1999 ME 46, ¶ 22, 726 A.2d 224. Given the limited information available to the court with respect to property values, the overall distribution of property was not an abuse of discretion. *See Bond v. Bond*, 2011 ME 54, ¶¶ 11-12, 14, 20, 17 A.3d 1219.

Additionally, there was competent evidence in the record to support the court's finding that David was voluntarily underemployed for child support purposes pursuant to 19-A M.R.S. § 2001(5)(D) (2010), and the court did not

abuse its discretion by imputing income to him based on Department of Labor statistics pursuant to 19-A M.R.S. § 2004(1)(E) (2010). *See Carolan v. Bell*, 2007 ME 39, ¶¶ 11, 19, 916 A.2d 945. Although the court did not include the cost of health insurance premiums in the child support worksheets as required by 19-A M.R.S. § 2006(5)(E) (2010), the error, if any, is harmless with respect to the resulting child support calculation, *see* M.R. Civ. P. 61; *Gillis v. Gillis*, 2011 ME 45, ¶ 13, 15 A.3d 720, and there was no abuse of discretion in the award of child support, *see Young v. Young*, 2009 ME 54, ¶ 8, 973 A.2d 765. The court's award of attorney fees to Michelle was likewise within the bounds of its discretion. *See Nadeau v. Nadeau*, 2008 ME 147, ¶ 59, 957 A.2d 108. And, contrary to David's contentions, the record supports the finding that the stipulated order on parental rights and responsibilities accurately reflects the parties' agreement and was thus properly entered by the court.

The entry is:

Judgment affirmed.

On the briefs:

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