

NICKOLAS B. RICHARDSON

v.

VANESSA M. RICHARDSON

Submitted on Briefs September 27, 2012
Decided October 18, 2012

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

MEMORANDUM OF DECISION

Nickolas B. Richardson appeals from the divorce judgment entered by the District Court (Springvale, *Janelle, J.*) following a trial. On appeal, Nickolas contends that the court abused its discretion in determining parental rights and responsibilities by awarding Nickolas reasonable rights of parental contact rather than contact rights pursuant to a specific schedule. Nickolas also contends that the court erred in finding that the 41 Newfield Road property was entirely marital property and abused its discretion by awarding that property to Vanessa M. Richardson.

Neither Nickolas nor Vanessa moved for additional findings of fact pursuant to M.R. Civ. P. 52(b). Accordingly, and because the record contains adequate support, we assume that the court made the findings needed to support its determination that it is in the best interests of the minor children to award Nickolas reasonable rights of parental contact. *See* 19-A M.R.S. § 1653(3) (2011); *Malenko v. Handrahan*, 2009 ME 96, ¶ 37, 979 A.2d 1269; *Conrad v. Swan*, 2008 ME 2, ¶¶ 15-16, 940 A.2d 1070. Consequently, the court did not abuse its discretion in determining parental rights and responsibilities.

Contrary to Nickolas's assertions, the court did not err in classifying the 41 Newfield Road property as marital property because Nickolas did not overcome the marital property presumption set forth in 19-A M.R.S. § 953(3) (2011). *See Coppola v. Coppola*, 2007 ME 147, ¶¶ 14, 17, 938 A.2d 786; *Cushman v. Cushman*, 495 A.2d 330, 334 (Me. 1985); *Moulton v. Moulton*, 485 A.2d 976, 978 (Me. 1984). Additionally, because the court's judgment reflects consideration of the statutory factors required by 19-A M.R.S. § 953(1) (2011), the court did not abuse its discretion by awarding the 41 Newfield Road property to Vanessa. *See Catlett v. Catlett*, 2009 ME 49, ¶¶ 34-35, 970 A.2d 287.

The entry is:

Judgment affirmed.

On the briefs:

Jeffrey W. Langholtz, Esq., Biddeford, for appellant Nickolas Richardson

Jens-Peter W. Bergen, Esq., Law Office of Jens-Peter W. Bergen,
Kennebunk, for appellee Vanessa Richardson