

LISA L. ROGERS

v.

JOHN H. ROGERS

Submitted on Briefs January 31, 2013
Decided February 12, 2013

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

MEMORANDUM OF DECISION

John H. Rogers appeals from a divorce judgment entered in the District Court (Wiscasset, *Tucker, J.*) ending his marriage to Lisa L. Rogers and awarding sole parental rights and responsibilities of their child to Lisa. Contrary to John's contentions, the court did not err in granting the divorce, *see Mattson v. Mattson*, 376 A.2d 473, 476 (Me. 1977), nor did it abuse its discretion in denying John's motion to continue filed two days before trial, *see Schulz v. Schulz*, 521 A.2d 282, 283 (Me. 1987). Additionally, the court's finding that it is in the best interest of the child to award sole parental rights and responsibilities to Lisa is supported by competent evidence in the record, and is therefore not clearly erroneous. *Hatch v. Anderson*, 2010 ME 94, ¶¶ 11-12, 4 A.3d 904. Similarly, it was not clear error for the court to find that real estate the couple shared during the duration of the marriage was nonmarital property belonging to Lisa. *See Miliano v. Miliano*, 2012 ME 100, ¶¶ 15-16, 50 A.3d 534. Finally, although the court failed to order mediation as required by 19-A M.R.S. § 251(2) (2012), John failed to demonstrate any resulting error in the judgment. *See Greaton v. Greaton*, 2012 ME 17, ¶ 7, 36 A.3d 913.

The entry is:

Judgment affirmed. Pursuant to 19-A M.R.S. § 105(1) (2012), remanded to the District Court for order awarding costs and attorney fees incurred by Lisa in defending this appeal.

On the briefs:

John R. Rogers, appellant pro se

Linda K. Yarmosh, Esq., Boothbay Harbor, for appellee Lisa L. Rogers