

ANTOINETTE AVTGES

v.

ALAN J. AVTGES

Submitted on Briefs February 26, 2013
Decided March 7, 2013

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

MEMORANDUM OF DECISION

Antoinette Avtges appeals from a judgment of the District Court (Portland, *Powers, J.*) adopting the report of a referee, which terminated Alan's obligation to pay Antoinette spousal support, based on her cohabitation with her fiancé.

Contrary to Antoinette's contention, the referee did not err in finding that she was cohabitating "in a relationship tantamount to marriage," as that term was used in the divorce judgment. *See Paine v. Spottiswoode*, 612 A.2d 235, 238 (Me. 1992); *Jacobs v. Jacobs*, 507 A.2d 596, 601 (Me. 1986). Nor was it an abuse of discretion to terminate the spousal support based on that finding, in conformance with the divorce settlement agreement. *See Charette v. Charette*, 2013 ME 4, ¶ 7, --- A.3d ---; *Jacobs*, 507 A.2d at 601.

Nor was it an abuse of discretion to retroactively modify the support obligation and require Antoinette to reimburse Alan for \$9000 of spousal support payments, because the interim order requiring her to reimburse Alan for \$6000 of spousal support payments was not a liquidated damages provision, and the additional \$3000 reimbursement gave effect to the settlement agreement between the parties. *See Raisin Mem'l Trust v. Casey*, 2008 ME 63, ¶ 16, 945 A.2d 1211; *Sherwood v. Sherwood*, 622 A.2d 719, 720 (Me. 1993).

The entry is:

Judgment affirmed.

On the briefs:

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Portland, for appellant Antoinette Avtges

Michael P. Asen, Esq., MittelAsen, Portland, for appellee Alan J. Avtges

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