

KENDALL A. LIBBY

v.

JEWEL PEABBLES

Submitted on Briefs January 28, 2014
Decided January 30, 2014

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

MEMORANDUM OF DECISION

Kendall A. Libby appeals from a divorce judgment entered in the District Court (Portland, *Powers, J.*) awarding the parties' marital home to Jewel Peabbles, subject to the conditions stated in the judgment. Contrary to Libby's contentions, the court did not abuse its discretion in distributing the marital home to Peabbles in light of its findings that she had a greater earning capacity, owned no other property, and had lived in the home longer than Libby. *See* 19-A M.R.S. § 953(1) (2013) (setting forth several factors for courts to consider in distributing marital property including "[t]he economic circumstances of each spouse"); *Thumith v. Thumith*, 2013 ME 67, ¶ 9, 70 A.3d 1232 ("[A] court may also consider other relevant, legitimate factors [apart from those enumerated in section 953].").

Additionally, the court did not abuse its discretion in denying Libby's post-judgment motions to reopen the evidentiary hearing pursuant to M.R. Civ. P. 43(j), *see Dep't of Human Servs. v. Thibeault*, 561 A.2d 486, 487-88 (Me. 1989) (stating that a trial court has the discretion to reopen evidence after considering whether doing so "is required to avoid an unfair result"), or to make further findings of fact and conclusions of law regarding his ability to avoid foreclosure on the marital home, *see Wandishin v. Wandishin*, 2009 ME 73, ¶¶ 18-20, 976 A.2d 949 ("Requests for additional fact-findings . . . should not be

used to attempt to require the court to explain its reasoning in reaching a particular result or to reargue points that were contested at trial and have been resolved by the court's decision.”).

The entry is:

Judgment affirmed.

On the briefs:

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