

PAUL J. SMITH

v.

KATHLEEN N. SMITH

Argued February 12, 2014
Decided February 25, 2014

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

MEMORANDUM OF DECISION

Kathleen N. Smith appeals, and Paul J. Smith cross-appeals, from a divorce judgment entered by the District Court (Waterville, *Dow, J.*). In a difficult case for all concerned, the court carefully considered the evidence and made thorough findings of fact that are supported by the record and are therefore not clearly erroneous. *See Hafford v. Hafford*, 2010 ME 128, ¶ 9, 8 A.3d 629. Contrary to Kathleen's contention, the court acted within its broad discretion in relying on those findings to thoughtfully weigh the equities of the case and then award her the amount of general spousal support that it found to be sufficient to meet her essential needs. *See Finucan v. Williams*, 2013 ME 75, ¶ 14, 73 A.3d 1056; *Bradbury v. City of Eastport*, 2013 ME 72, ¶ 12, 72 A.3d 512 (setting out the general test for abuse of discretion). Similarly, the court did not abuse its discretion in ordering Kathleen to pay her own professional fees based on the parties' respective financial circumstances based on the court's distribution of property and allocation of debt. *See Laqualia v. Laqualia*, 2011 ME 114, ¶ 33, 30 A.3d 838.

Finally, contrary to Paul's contention, the court did not abuse its discretion in awarding Kathleen a 401(k) account from marital property in order to provide

her with a source of funds from which to pay the aforementioned fees and other expenses that it found to be necessary and proper. *See Lesko v. Stanislaw*, 2014 ME 3, ¶ 12, --- A.3d ---.

The entry is:

Judgment affirmed.

On the briefs and at oral argument:

Robert E. Sandy, Jr., Esq., Sherman & Sandy, Waterville, for
appellant Kathleen N. Smith

Robert J. Ringer, Jr., Esq., Jabar, Batten, Ringer &
LaLiberty, Waterville, for appellee Paul J. Smith