

TODD R. MORRISSETTE

v.

MELISSA L. MORRISSETTE

Argued December 17, 2013
Decided February 27, 2014

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

MEMORANDUM OF DECISION

Todd R. Morrissette appeals from an order of the District Court (Springvale, *Janelle, J.*) granting him a divorce from Melissa L. Morrissette, distributing marital property, and ordering Todd to pay \$14,000 in attorney fees to Melissa's lawyer. Although the trial court erred by designating the house Todd purchased prior to the marriage as marital property, *see Sewall v. Saritvanich*, 1999 ME 46, ¶ 14, 726 A.2d 224, the record reflects that, as a result of mortgages both parties signed during the marriage to make improvements to the home, the remaining equity in the home was marital property. *See* 19-A M.R.S. § 953(2)(E)(2)(a), (b) (2013). Because it is highly probable that this error did not affect Todd's substantial rights, the error is harmless. *See In re Scott S.*, 2001 ME 114, ¶¶ 24-25, 775 A.2d 1144. The trial court's other findings are supported by competent evidence in the record and are not clearly erroneous. *See Sewall*, 1999 ME 46, ¶ 14, 726 A.2d 224. The trial court did not abuse its discretion in dividing the parties' marital property. *See Brown v. Habrle*, 2008 ME 17, ¶ 13, 940 A.2d 1091. Finally, the court did not

* Although not available at oral argument, Justice Levy participated in the development of this memorandum of decision. *See* M.R. App. P. 12(a) ("A qualified justice may participate in a decision even though not present at oral argument.").

abuse its discretion in making the \$14,000 award of attorney fees. *See Nadeau v. Nadeau*, 2008 ME 147, ¶ 59, 957 A.2d 108.

The entry is:

Judgment affirmed.

On the briefs:

Susan B. Driscoll, Esq., Bergen & Parkinson, LLC, Kennebunk,
for appellant Todd R. Morrissette

Theodore H. Irwin, Jr., Esq., and Robert W. Weaver, Esq.,
Irwin, Tardy & Morris, Portland, for appellee Melissa L.
Morrissette

At oral argument:

Susan B. Driscoll, Esq. for appellant Todd R. Morrissette

Theodore H. Irwin, Jr., Esq. for appellee Melissa L. Morrissette