

ANDREA L. BYTHER

v.

MATTHEW T. BYTHER

Submitted on Briefs: July 1, 2014  
Decided July 3, 2014

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

#### MEMORANDUM OF DECISION

Andrea L. Byther appeals from a judgment of the District Court (Bangor, *Jordan, J.*) granting her a divorce from Matthew T. Byther, distributing marital property, and awarding primary residence of the parties' minor children to Matthew. Contrary to Andrea's assertions, the court acted within its discretion by denying her motion for findings of fact and conclusions of law. *See Peters v. Peters*, 1997 ME 134, ¶ 12, 697 A.2d 1254. Similarly, the court committed no abuse of discretion by declining to either impose sanctions or reopen the proceedings in response to Matthew's failure to file an updated financial statement within seven days of trial in accordance with M.R. Civ. P. 108(c), (d)(4). *See Baker's Table, Inc. v. City of Portland*, 2000 ME 7, ¶ 17, 743 A.2d 237; *Miliano v. Miliano*, 2012 ME 100, ¶ 26 n.9, 50 A.3d 534. Further, we discern no error or abuse of discretion in the court's valuation and division of the parties' marital property. *See Thumith v. Thumith*, 2013 ME 67, ¶ 8, 70 A.3d 1232. Finally, we conclude that the court did not abuse its discretion by awarding primary residence of the children to Matthew based on its conclusion that to do so was in the children's best interest. *See* 19-A M.R.S. § 1653(3) (2013); *Sheikh v. Haji*, 2011 ME 117, ¶ 12, 32 A.3d 1065.

The entry is:

Judgment affirmed.

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**On the briefs:**

Lawrence A. Lunn, Esq., Hall & Lunn, Bangor, for appellant  
Andrea L. Byther

C. Peter Bos, Esq., Gray & Palmer, Bangor, for appellee  
Matthew T. Byther