

REBECCA J. BASSETT

v.

NATHAN S. BASSETT

Submitted on Briefs November 29, 2017
Decided December 7, 2017

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Nathan S. Bassett appeals, and Rebecca J. Bassett cross-appeals, from a divorce judgment entered by the District Court (Biddeford, *Kelly, C.J.*). We affirm.

Contrary to Nathan's contention, the court did not commit clear error by placing a valuation on certain shares of stock awarded to him based on the price for which he sold other shares in the same corporation during the pendency of the divorce. *See Wandishin v. Wandishin*, 2009 ME 73, ¶ 14, 976 A.2d 949; *Kapler v. Kapler*, 2000 ME 131, ¶ 9, 755 A.2d 502. Nor did the court abuse its discretion by ordering Nathan to make a series of post-judgment installment payments to Rebecca in order to equitably divide the marital estate, rather than by setting aside to Rebecca some of the stock itself. *See Leary v. Leary*, 2007 ME 63, ¶ 9, 926 A.2d 186.

As to Nathan's remaining contention, the evidence supports the court's finding that the real estate listings that Nathan asserts are marital assets—and for which, in any event, Nathan presented no evidence of value—are owned

by the real estate agency where Rebecca works as an independent contractor, and are not owned by Rebecca herself. Because a divorce action does not confer authority on the court to dispose of property owned by a third party, *see King v. King*, 2013 ME 56, ¶ 21, 66 A.3d 593; *Howard v. Howard*, 2010 ME 83, ¶ 12, 2 A.3d 318, the court did not err by not including the listing agreements as part of the marital estate.

Finally, because Rebecca's cross-appeal was untimely, *see* M.R. App. P. 2(b)(3) (Tower 2016),¹ we do not reach the merits of her arguments. *See Bourke v. City of S. Portland*, 2002 ME 155, ¶ 4, 806 A.2d 1255 ("Strict compliance with the time limits of M.R. App. P. 2(b) . . . is a prerequisite to the Law Court entertaining an appeal."). Even if we were to do so, however, she has not demonstrated any ground for relief on appeal because her challenges are unpersuasive. *See Murphy v. Murphy*, 2003 ME 17, ¶¶ 19, 27, 29-30, 816 A.2d 814 (a court's valuation of marital property is reviewed for clear error, while the distribution of marital property and allocation of attorney fees are reviewed for an abuse of discretion); *see also Ackerman v. Yates*, 2004 ME 56, ¶ 20, 847 A.2d 418 (unpreserved issues are reviewed for obvious error).

The entry is:

Judgment affirmed.

Dana E. Prescott, Esq., Prescott Jamieson Murphy Law Group, LLC, Saco, for appellant Nathan S. Bassett

Jens-Peter W. Bergen, Esq., Law Office of Jens W. Bergen, Kennebunk, for appellee Rebecca J. Bassett

Biddeford District Court docket number FM-2015-126
FOR CLERK REFERENCE ONLY

¹ The restyled Maine Rules of Appellate Procedure do not apply because this appeal was filed prior to September 1, 2017. *See* M.R. App. P. 1 (restyled Rules).