

LISA WINTERS

v.

ROBERT WINTERS III

Submitted on Briefs May 25, 2017  
Decided June 1, 2017

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

#### MEMORANDUM OF DECISION

Robert Winters III appeals from a divorce judgment entered by the District Court (Ellsworth, *Larson, J.*) dividing marital property and declining to award attorney fees or spousal support. In this appeal, Robert challenges the court's distribution of marital property. Specifically, he argues that considering the value of the property awarded to each party—including Lisa Winters's nonmarital property—the distribution was inequitable because he is left homeless.

Contrary to Robert's argument, the court did not abuse its discretion in its overall distribution of the parties' marital property. *See Viola v. Viola*, 2015 ME 6, ¶ 9, 109 A.3d 634. Further, given that Robert failed to file a motion for additional findings of fact, and because he further failed to provide a transcript of the trial proceedings, we must assume the court's factual findings and conclusion based on those findings are supported by the record. *See Blanchard v. Blanchard*, 2016 ME 140, ¶ 15, 148 A.3d 277; *Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535; M.R. App. P. 5(b)(2). Considering the marital debt the court was required to allocate and the significant personal

property allocated to each party, the court's judgment does not, on its face, demonstrate any error of law or abuse of discretion. *See Violette v. Violette*, 2015 ME 97, ¶¶ 15-28, 120 A.3d 667 (articulating standards of review for marital property division and other financial issues in review of a divorce judgment).

The entry is:

Judgment affirmed.

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Jeffrey C. Toothaker, Esq., Ellsworth, for appellant Robert Winters III

Ferdinand A. Slater, Esq., Ellsworth, for appellee Lisa Winters

Ellsworth District Court docket number FM-2015-236  
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