

JEANNIE M. WEIR LAUB

v.

KENNETH J. LAUB

Argued October 11, 2017
Decided October 19, 2017

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

MEMORANDUM OF DECISION

Kenneth J. Laub appeals from a judgment of divorce entered by the District Court (Wiscasset, *Raimondi, J.*) on Jeannie M. Weir Laub's complaint for divorce. In this appeal, he seeks review of alleged errors committed by the District Court regarding the court's (1) classification of property as marital or nonmarital, (2) overall distribution of the marital property, and (3) award of nominal spousal support.

Contrary to Kenneth's contentions, the court did not err in its classification of property as marital or nonmarital,¹ *see Miliano v. Miliano*,

* Although not available at oral argument, Chief Justice Saufley participated in the development of this opinion. *See* M.R. App. P. 12(a) (Tower 2016) ("A qualified justice may participate in a decision even though not present at oral argument.").

¹ Kenneth challenges, in part, the trial court's finding that Kenneth gifted certain real property to Jeannie and its determination that Kenneth's testimony on the matter was not credible. We defer to the trial court's determination of a witness's credibility. *Hutt v. Hanson*, 2016 ME 128, ¶ 14, 147 A.3d 352.

2012 ME 100, ¶ 15, 50 A.3d 534, and the court did not abuse its discretion in awarding most of the marital estate to Jeannie, *see Viola v. Viola*, 2015 ME 6, ¶ 9, 109 A.3d 634. Although the distribution of property was substantially unequal, the court considered the statutory factors, *see* 19-A M.R.S. § 953(1) (2016), including the contribution of Jeannie’s nonmarital settlement funds to acquire some of the marital property, and reasoned that an unequal division of property in lieu of a weekly spousal support award was appropriate given the parties’ “deep hostility . . . around financial issues.” *See Hutt v. Hanson*, 2016 ME 128, ¶¶ 15-16, 147 A.3d 352; *Nadeau v. Nadeau*, 2008 ME 147, ¶ 46, 957 A.2d 108. Furthermore, Kenneth’s contention that the court may not divide unequally the parties’ marital property *and* award nominal spousal support is unfounded. The court did not abuse its discretion in its award of nominal spousal support, which was based on consideration of the statutory factors and competent evidence in the record. *See* 19-A M.R.S. § 951-A(2)(D), (5) (2016); *Deditch v. Deditch*, 584 A.2d 649, 652 (Me. 1990).

The entry is:

Judgment affirmed.

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Jeanne C. Sund, Esq. (orally), Shankman & Associates Legal Center, Lewiston,
for appellee Jeannie M. Weir Laub