

SUSAN R. FOX

v.

ALLEN C. PARSONS JR.

Submitted on Briefs October 24, 2017
Decided October 31, 2017

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

MEMORANDUM OF DECISION

Susan R. Fox appeals from a judgment of the District Court (Ellsworth, *Romei, J.*) denying her motion to modify a divorce judgment. We affirm the judgment.

“The trial court is afforded broad discretion in determining the custody and residence of minor children, and we review the court’s decision awarding primary residence upon a motion to modify a divorce judgment for an abuse of discretion.” *Akers v. Akers*, 2012 ME 75, ¶ 2, 44 A.3d 311. “On a post-judgment motion to modify a divorce decree, an abuse of discretion will only be found if the award is plainly and unmistakably an injustice that is so apparent as to be instantly visible without argument.” *Smith v. Padolko*, 2008 ME 56, ¶ 9, 955 A.2d 740 (quotation marks omitted). “In the absence of a motion for additional findings of fact and conclusions of law pursuant to M.R. Civ. P. 52(b), we will infer that the trial court made any factual inferences needed to support its ultimate conclusion.” *Pelletier v. Pelletier*, 2012 ME 15, ¶ 20, 36 A.3d 903. Because Fox did not file a motion for additional findings of fact pursuant to M.R. Civ. P. 52(b), and because the denial of her motion to modify did not plainly and unmistakably present an injustice so apparent as to

be instantly visible without argument, we conclude that the trial court did not abuse its discretion.

The entry is:

Judgment affirmed.

Susan R. Fox, appellant pro se

Anthony A. Trask, Esq., and Kristy M. Hapworth, Esq., Rudman Winchell, Bangor, for appellee Allen C. Parsons Jr.

Ellsworth District Court docket number FM-2008-202
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