

RICHARD H. LUGG

v.

SHELLY M. ELMER

Submitted on Briefs November 28, 2018

Decided January 3, 2019

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

MEMORANDUM OF DECISION

Richard H. Lugg appeals from a divorce judgment entered by the District Court (Portland, *Woodman, J.*) and amended by a judgment entered on Shelly M. Elmer's motion to amend. He challenges the spousal support, child support, and property distribution ordered by the court.

With respect to the court's determination of Elmer's income for purposes of the child support and spousal support awards, the record discloses no error in the court's findings of fact, based on the evidence presented at trial. *See Efstathiou v. Aspinquid, Inc.*, 2008 ME 145, ¶ 48, 956 A.2d 110. Next, the spousal support award does not constitute an abuse of discretion given the evidence before the court, even though it provides for a larger subsequent monthly payment of general support after a period of lower transitional support. *See* 19-A M.R.S. § 951-A(2) (2017); *Mooar v. Greenleaf*, 2018 ME 23, ¶ 14, 179 A.3d 307. Nor can we conclude that the evidence presented by Lugg compelled the court to find a marital component to the increase in the value of a piece of real property that Elmer purchased before the marriage. *See* 19-A M.R.S. § 953(2)(E) (2017); *Haskell v. Haskell*, 2017 ME 91, ¶ 12, 160 A.3d 1176 (stating that we "will vacate factual findings that are adverse to the party with the

burden of proof only if the record compels a contrary conclusion” (quotation marks omitted)); *Violette v. Violette*, 2015 ME 97, ¶ 24, 120 A.3d 667 (placing the burden on the spouse asserting a marital component of otherwise nonmarital property to provide “evidence that would allow the court to find a specific amount of marital interest”).

Finally, although the law disfavors the distribution of martial property in a manner that maintains “lingering connections between two parties who obviously wish to sever their ties,” *see Lowd v. Dimoulas*, 2005 ME 19, ¶ 7, 866 A.2d 867 (quotation marks omitted), the court did not err or abuse its discretion in the distribution of the stock in Lugg’s companies given the limited nature of the evidence that Lugg presented to the court and Lugg’s failure to present a meaningful, practical alternative to an order that Lugg transfer a portion of his stock to Elmer. *See generally* 19-A M.R.S. § 953(1) (2017).

The entry is:

Judgment affirmed.

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