

PAUL MICHAUD

v.

KIMBERLEY (MICHAUD) MERRILL

Submitted on Briefs December 17, 2019

Decided December 30, 2019

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

MEMORANDUM OF DECISION

Kimberley Merrill¹ appeals from a judgment of divorce entered by the District Court (Augusta, *E. Walker, J.*), setting aside nonmarital property, dividing marital property, awarding general spousal support, and awarding partial attorney fees. Based on the factual findings contained in the court's divorce judgment, as amended by its order partially granting Merrill's motion for further findings of fact, conclusions of law, and to amend, we discern no error in the court's characterization of marital and nonmarital property, or in its calculation of the parties' incomes. 19-A M.R.S. § 953(2); *see Findlen v. Findlen*, 1997 ME 130, ¶¶ 14-15, 695 A.2d 1216. The court properly considered the statutory factors relevant to the distribution of marital property, 19-A M.R.S. § 953(1) (2018), and did not abuse its discretion in fashioning an equitable distribution. *See Laqualia v. Laqualia*, 2011 ME 114, ¶¶ 10, 13, 30 A.3d 838; *see also Libby v. Libby*, 781 A.2d 773, 775 (Me. 2001).

¹ Formerly Kimberley Michaud.

Contrary to Merrill's contentions, the court did not err or abuse its discretion in ordering Merrill to pay spousal support and partial attorney fees. The court's award of spousal support was based on well-supported findings regarding the parties' respective incomes, earning capacities, and health. *See* 19-A M.R.S. § 951-A (5) (2018); *Carter v. Carter*, 2006 ME 68, ¶ 20, 800 A.2d 200. Further, the court did not err in awarding Michaud partial attorney fees, based on its conclusion that the award was in the interests of fairness and justice. *See* 19-A M.R.S. § 952-A (3); *see also Miele v. Miele*, 2003 ME 113, ¶¶ 15-16, 832 A.2d 760.

The entry is:

Judgment affirmed.

C.H. Spurling, Esq., Gardiner, for appellant Kimberley Merrill

Gregory J. Farris, Esq., and Michelle Allott, Esq., Farris Law, Gardiner, for appellee Paul Michaud