

ELLEN A. BREINDEL

v.

TIMOTHY J. BREINDEL

Submitted on Briefs October 21, 2020
Decided November 17, 2020

Panel: GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Timothy J. Breindel appeals from a divorce judgment entered by the District Court (Ellsworth, *Roberts, J.*) dividing marital property between Timothy and Ellen A. Breindel and setting apart each party's nonmarital property. Although the record suggests that one investment account, which the court identified as Ellen's nonmarital property, may have been supplemented with marital funds, Timothy failed to argue at trial that the account was marital, and did not propose such a factual finding in his M.R. Civ. P. 52(b) motion. In addition, any error in the classification of the account as nonmarital was harmless, given the court's ultimate distribution of property. Finally, we discern no error or abuse of discretion in the court awarding another investment account to Ellen as part of the marital property division. *See Viola v. Viola*, 2015 ME 6, ¶ 9, 109 A.3d 634.

The entry is:

Judgment affirmed.

Martha J. Harris, Esq., Paine, Lynch & Harris, P.A., Bangor, for appellant Timothy J. Breindel

Jeffrey C. Toothaker, Esq., Ellsworth, for appellee Ellen Briendel

Ellsworth District Court docket number FM-2018-146
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