

AMANDA MYERS

v.

MARK C. KLEIN

Submitted on Briefs February 26, 2020
Decided March 5, 2020

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

MEMORANDUM OF DECISION

Mark C. Klein appeals from an order of the District Court (Portland, *Woodman, J.*) denying his motion for contempt against Amanda Myers and denying his motion to enforce the court's September 11, 2017, order amending the parties' divorce judgment.

Contrary to Klein's contentions, the court was not compelled to find that Myers failed to comply with provisions set forth in its 2017 order. *See MacMahon v. Tinkham*, 2015 ME 9, ¶ 11, 109 A.3d 1141; M.R. Civ. P. 66(d)(2)(D). The finding that Myers did not violate the 2017 order is supported by competent evidence in the record. *See Efstathiou v. Efstathiou*, 2009 ME 107, ¶ 12, 982 A.2d 339.

We also reject Klein's contention that certain provisions of the 2017 order were unambiguous and that the court therefore abused its discretion by clarifying them. Reviewing the provisions de novo, we conclude that the court correctly determined that they were ambiguous. *See Burnell v. Burnell*, 2012 ME 24, ¶ 6, 40 A.3d 390. The trial court's clarifications are consistent with the

language of the 2017 order, read as a whole, and are objectively supported by the record. *See Chamberlain v. Harriman*, 2017 ME 127, ¶ 14, 165 A.3d 351; *Voter v. Voter*, 2015 ME 11, ¶ 8, 109 A.3d 626; *see also MacDonald v. MacDonald*, 582 A.2d 976, 977 (Me. 1990) (“The court is always empowered to make clear the meaning of a prior decree where necessary to guide the conduct of the parties.” (Quotation marks omitted.)). We find Klein’s additional arguments unpersuasive and do not address them further.

The entry is:

Judgment affirmed.

Daniel D. Feldman, Esq., Hallett Whipple Weyrens, Portland, for appellant Mark C. Klein

Theodore H. Irwin, Jr., Esq., Irwin & Morris, Portland, for appellee Amanda Myers

Portland District Court docket number FM-2016-993
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