

DEBORAH A. JACOBS

v.

ROBERT M. JACOBS

Submitted on Briefs December 18, 2020
Decided January 12, 2021

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

MEMORANDUM OF DECISION

Robert M. Jacobs appeals from a judgment of the District Court (Augusta, *Rushlau, J.*) granting the parties' divorce and awarding spousal support to Deborah. Contrary to Robert's contentions, the District Court did not abuse its discretion when it considered his ability to "control[] the stream of business revenue" in its spousal support calculation, 19-A M.R.S. § 951-A (5) (2020); *Haskell v. Haskell*, 2017 ME 91, ¶ 16, 160 A.3d 1176, or when it considered the potential for future income from assets it awarded to him as part of the marital property distribution. See 19-A M.R.S. § 953(1)(2020); *Hutt v. Hanson*, 2016 ME 128, ¶ 15, 147 A.3d 352. Robert's argument that the District Court abused its discretion by accepting the stipulated value of the Jacobses' business for its marital property distribution was raised for the first time on appeal and therefore it is waived. *Reville v. Reville*, 370 A.2d 249, 251 (Me. 1977). Even if we did review this argument for obvious error, *Jusseume v. Ducatt*, 2011 ME 43, ¶ 11, 15 A.3d 714, we would discern no error in the District Court's decision. Finally, because Deborah did not file a separate motion with this Court seeking attorney fees pursuant to M.R. App. P. 13(f), we must deny her request. *McGarvey v. McGarvey*, 2019 ME 40, ¶ 6, 204 A.3d 1276.

The entry is:

Judgment affirmed.

Stephen C. Smith, Esq., Lipman & Katz, Augusta, for appellant Robert M. Jacobs

Verne E. Paradie, Jr., Lewiston, for appellee Deborah A. Jacobs

Augusta District Court docket number FM-2018-166
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