

EILEEN M. GRANT

v.

DAVID E. GRANT

Submitted on Briefs December 20, 2000
Decided December 21, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

David Grant appeals from a judgment entered in the Superior Court (Penobscot, *Hjelm, J.*) affirming a judgment of the District Court (Bangor, *Clapp, J.*). Contrary to Grant's contentions, it was not clear error for the District Court to disbelieve that he is totally disabled, or that his earning capacity is \$42,500 per year. *See Ramsdell v. Ramsdell*, 1997 ME 14, ¶ 5, 688 A.2d 918, 921 (citing *Quin v. Quinn*, 641 A.2d 180, 181 (Me. 1994)). Moreover, the District Court's determination of spousal support and its distribution of the marital property did not "result[] in a plain and unmistakable injustice, so apparent that it is instantly visible without argument." *Kapler v. Kapler*, 2000 ME 131, ¶ 8, 755 A.2d 502, 506 (citing *Robinson v. Robinson*, 2000 ME 101, ¶ 9, 751 A.2d 457, 459).

The entry is:

Judgment affirmed. Remand to the Superior Court for remand to the District Court for consideration of the assessment of attorney's fees.

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