

JOHN E. CORBETT

v.

TERRAS I. CORBETT

Submitted on Briefs October 15, 2001
Decided October 18, 2001

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

MEMORANDUM OF DECISION

John Corbett appeals from a post-divorce judgment of the District Court (Bangor, *Gunther, J.*) on his motion to modify child support and spousal support and his ex-wife Terras Corbett's motion to enforce. Contrary to John's contentions, (1) the court did not err in including a retroactive disability payment in its calculation of John's 2000 gross income, because his disability pension was "income from an ongoing source," 19-A M.R.S.A. § 2001(5)(A) (1998), and in declining to deduct his legal fees therefrom, as they are not the type of expense deduction allowed by the statute, *see id.* § 2001(5)(C); (2) the court's calculation of John's child support arrearage was supported by the evidence; and (3) the court's refusal to decrease John's spousal support obligation due to his temporary disability was not an abuse of discretion amounting to a plain and unmistakable injustice, *see Dargie v. Dargie*, 2001 ME 127, ¶ 26, 778 A.2d 353, 359.

The entry is:

Judgment affirmed.

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