

GAIL S. CHANDLER

v.

GAIL E. CHANDLER

Submitted on Briefs July 9, 2003
Decided July 11, 2003

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

MEMORANDUM OF DECISION

Gail E. Chandler appeals from a divorce judgment entered in the District Court (Biddeford, *Kennedy, J.*) adopting the division of marital and non-marital property recommended in a referee's report filed pursuant to 19-A M.R.S.A. § 252 (1998) and M.R. Civ. P. 53.

Contrary to Gail E. Chandler's contentions, the District Court did not commit legal error when it overruled his objections to the referee's report due to the lack of a transcript of the reference hearing and the absence of error on the face of the report. M.R. Civ. P. 53(e)(2) ("The court shall adopt the referee's findings

of fact unless clearly erroneous.”); *Hennesy v. Fairley*, 2002 ME 76, ¶ 17, 796 A.2d 41, 47 (ruling that a referee’s findings must be accepted “if supported by credible evidence and not otherwise erroneous as a matter of law”). Because Dr. Chandler declined to provide the District Court, as well as this Court, with a transcript of the reference hearing, it must be assumed that the transcript would support the referee’s treatment of social security benefits. *Putnam v. Albee*, 1999 ME 44, ¶ 10, 726 A.2d 217, 220.

Furthermore, the referee neither abused her discretion nor committed legal error when she awarded Mrs. Chandler a disproportionate share of marital property in lieu of spousal support in accordance with 19-A M.R.S.A. § 953(1) (1998). *See Chamberlin v. Chamberlin*, 2001 ME 167, ¶ 4, 785 A.2d 1247, 1249 (“[a] just distribution of property is not synonymous with an equal distribution”); *see also Crooker v. Crooker*, 432 A.2d 1293, 1296 & n.1 (Me. 1981) (upholding a marital property distribution made “in lieu of alimony”).

The entry is:

Judgment affirmed.

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