

KARIN CUNNINGHAM

v.

BRIAN CUNNINGHAM

Submitted on Briefs July 9, 2003
Decided July 14, 2003

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

MEMORANDUM OF DECISION

Brian Cunningham appeals from a divorce judgment of the District Court (Ellsworth, *Staples, J.*) dividing the Cunninghams' property. Contrary to Brian's contentions, because the court did not violate a positive rule of law and the division did not result in "a plain and unmistakable injustice, so apparent that it is instantly visible without argument," *Libby v. Libby*, 2001 ME 130, ¶ 6, 781 A.2d 773, 775 (internal quotation marks omitted), the court did not abuse its discretion when dividing the real property, awarding two items of personal property, and distributing the marital debt. Considering Brian's and Karin's economic

circumstances, the court's overall property distribution was also not a plain and unmistakable injustice. *See id.*

The entry is:

Judgment affirmed.

For plaintiff:

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