

RONALD D. ALBERT

v.

TAMMI LEE ALBERT

Submitted on Briefs January 23, 2003  
Decided February 24, 2003

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

#### MEMORANDUM OF DECISION

Tammi Lee Albert appeals from the divorce judgment entered in the District Court (Portland, *Beaudoin, J.*), awarding Ronald Albert primary physical residence of their teenage daughter and sixty percent of the net proceeds of the sale of their residence. Contrary to Tammi's contention, the court did not err in granting primary physical residence of their daughter to Ronald when the court relied, in part, on the report and opinion of a guardian ad litem who based her findings, to some extent, on unconsented-to recordings of telephone conversations between Tammi and her daughter. Moreover, the court did not err in awarding Ronald sixty

percent of the net proceeds of the future sale of the Alberts' real estate, when the court also held Ronald solely responsible for the monthly mortgage payments, real estate taxes, insurance, and utility charges. *See Dargie v. Dargie*, 2001 ME 127, ¶ 5, 778 A.2d 353, 355-56 (the court is not required to divide property equally; rather, it must make a fair and just division considering all of the circumstances). Finally, the court did not abuse its discretion when it maintained the pace of the trial by, at times, urging Tammi to proceed quickly through her case. *See Dolliver v. Dolliver*, 2001 ME 144, ¶¶ 10-12, 782 A.2d 316, 317-18.

The entry is:

Judgment affirmed.

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