

HELENA (SCARPONI) STEVENSON

v.

KURT SCARPONI

Submitted on Briefs November 25, 2003

Decided December 5, 2003

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

MEMORANDUM OF DECISION

Kurt Scarponi appeals from a judgment entered in the District Court (West Bath, *Westcott, J.*) denying Scarponi's request for a downward deviation from the child support guidelines. Contrary to Scarponi's contentions, the court's findings of fact were not clearly erroneous because there was competent evidence in the record regarding both Stevenson's and Scarponi's disposable income, *see Dargie v. Dargie*, 2001 ME 127, ¶ 18, 778 A.2d 353, 358, and the court did not abuse its discretion because it properly considered the shared physical residence of the children as well as the economic disparity between the parties and the standard of

living of the children, *see Dep't of Human Servs. ex rel. Monty v. Monty*, 2000 ME 96, ¶ 12, 750 A.2d 1276, 1280.

We deny Stevenson's request for sanctions, but remand for consideration of attorney fees on appeal.

The entry is:

Judgment affirmed. Remanded to the District Court for further proceedings consistent with the memorandum of decision herein.

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