

MELONY D. MARTEL

v.

ROBERT A. MARTEL

Submitted on Briefs April 9, 2003

Decided April 11, 2003

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

MEMORANDUM OF DECISION

Robert Martel appeals from the judgment of the District Court (Rumford, *McElwee, J.*), requiring that he pay his former wife, Melony Martel, \$2749.43 in attorney fees incurred in connection with prosecution of her motion to modify child support and parental rights. He contends that the award of attorney fees is excessive and an abuse of discretion in light of the relative ability of the parties to pay.

In this case, the trial court made no findings in connection with its award of attorney fees, and Robert Martel has provided us with no transcript of the hearing on the motion to modify. When the record on appeal does not include a transcript

of the proceedings in the trial court or a statement of the evidence upon which the trial court's actions were based pursuant to M.R. App. P. 5(d), we assume that the transcript and the evidence would support the trial court's findings of fact and discretionary determinations, including its determination regarding attorney fees. *See Alley v. Alley*, 2002 ME 162, ¶ 2, 809 A.2d 1262, 1262. Where the record for review is inadequate, the trial court's judgment must be affirmed.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Thomas S. Carey, Esq.
Carey & Associates
P O Box 100
Rumford, ME 04276-0100

For defendant:

Robert A. Martel
P O Box 116
Peru, ME 04290