

SUSANNAH (ROJO) STANTON

v.

JOSE M. ROJO

Submitted on Briefs March 24, 2004
Decided April 7, 2004

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

MEMORANDUM OF DECISION

Susannah Stanton appeals from a judgment entered in the District Court (Ellsworth, *Staples, J.*) denying her motion to amend a divorce decree. Stanton asserts that the court erred by failing to treat Jose Rojo's pension "survivor benefits" as omitted property pursuant to 19-A M.R.S.A. § 953(9) (1998); failing to find that Rojo is voluntarily underemployed; and awarding her only \$1000 in attorney fees.

Contrary to Stanton's contentions, the court did not err in concluding that the beneficiary designation for Rojo's pension was not omitted property because the divorce judgment specifically addressed the extent of Rojo's obligation to pay a

portion of his pension benefits to Stanton. *Cf. Stotler v. Wood*, 687 A.2d 636, 638 (Me. 1996). Nor did the court err by failing to find that Rojo is voluntarily underemployed. *See Wrenn v. Lewis*, 2003 ME 29, ¶ 13, 818 A.2d 1005, 1009. Finally, the court did not abuse its discretion by only awarding her \$1000 in attorney fees. *See Dargie v. Dargie*, 2001 ME 127, ¶ 31, 778 A.2d 353, 360.

The entry is:

Judgment affirmed.

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