

CYNTHIA COTE

v.

DAVID COTE

Submitted on Briefs June 2, 2005

Decided June 9, 2005

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

MEMORANDUM OF DECISION

David Cote appeals from a judgment of divorce entered in the District Court (Augusta, *French, J.*), determining that the parties entered into a valid agreement setting aside the marital residence to Cynthia Cote and the taxidermy business to David, pursuant to 19-A M.R.S.A. § 953(2)(D) (1998).

We could dismiss this appeal for failure to comply with M.R. App. P. 8(g). M.R. App. P. 8(j); *State v. Ross*, 2004 ME 12, ¶ 1, 841 A.2d 814, 814-15. However, upon consideration of the merits, we determine that competent evidence in the record supports the trial court's finding that the parties entered into a valid agreement to set aside the residence to Cynthia and the taxidermy business to David. *See Jones v. Jones*, 611 A.2d 575, 578 (Me. 1992). Contrary to David's

assertions, the trial court acted within its discretion when it declined to credit the testimony of David's accountant, *see In re Frederick P.*, 2001 ME 138, ¶ 18, 779 A.2d 957, 961, and in allocating the marital debt, *Chamberlin v. Chamberlin*, 2001 ME 167, ¶ 4, 785 A.2d 1247, 1249.

The entry is:

Judgment affirmed.

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