

PATRICIA PONGRACE

v.

JAMES PONGRACE

Submitted on Briefs October 20, 2006
Decided October 25, 2006

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

MEMORANDUM OF DECISION

James Pongrace appeals from the judgment and the qualified domestic relations order (QDRO) entered in the District Court (York, *Janelle, J.*) for spousal support arrearages owed by James to Patricia Pongrace. James argues that the court clearly erred in calculating the amount of arrearages because the evidence demonstrated that he had already paid those arrearages and because he should have received credit for spousal support overpayments stemming from the retroactive reduction of the monthly spousal support amount. We summarily vacate the judgment and QDRO because of mathematical and/or typographical errors in the judgment and remand for the court to review and recalculate.

Specifically, we are unable to discern whether, in the order entered on October 19, 2005, the court's finding of a \$11,956 spousal support arrearage as of

April 1, 2005, includes the \$4956 arrearage that was found in the court's earlier order (*Wheeler, J.*) entered on December 21, 2004. The transcript reveals that both parties testified that this \$4956 arrearage had been paid. Although the October 19, 2005, order found that \$6980 had been paid to Patricia pursuant to a QDRO issued January 28, 2005, and gave James credit for this amount, we are unable to find any basis in the evidentiary record for the \$6980 figure. It appears that the court needs to recalculate the amount that should be credited to James.

In addition, the court ordered a modification of the spousal support owed by James to Patricia from \$2000 to \$500 monthly effective May 1, 2004. However, the court appears to have calculated the arrearage owing after that date on the basis of \$2000 monthly, and thus, we do not know whether the court erred in its calculations or whether the 2004 date is a typographical error.

The entry is:

Judgment and QDRO vacated. Case remanded.

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