

BARBARA E. HATHAWAY

v.

ROBERT H. SARVIS

Submitted on Briefs December 13, 2005  
Decided February 9, 2006

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

MEMORANDUM OF DECISION

Robert H. Sarvis appeals from the judgment of the District Court (Portland, *Powers, J.*), denying two post-judgment motions related to a 1997 divorce judgment. Contrary to Sarvis's contentions, the court appropriately denied Sarvis's motion for post-judgment relief, filed pursuant to M.R. Civ. P. 80(k), because the 1997 divorce judgment is unambiguous. *See Thompson v. Rothman*, 2002 ME 39, ¶¶ 6-7, 9, 791 A.2d 921, 923-24; *MacDonald v. MacDonald*, 582 A.2d 976, 977 (Me. 1990); *Merrill v. Merrill*, 449 A.2d 1120, 1124-25 (Me. 1982). The court also acted within its discretion when it denied Sarvis's motion for relief from judgment, filed pursuant to M.R. Civ. P. 60(b), because Sarvis did not

demonstrate any relief from the court's 1997 divorce judgment to which he was entitled. *See Thorne v. Leask*, 2004 ME 145, ¶ 7, 861 A.2d 690, 691; *Sargent v. Sargent*, 1997 ME 38, ¶¶ 11-13, 691 A.2d 184, 187-88; *Salenius v. Salenius*, 654 A.2d 426, 427-30 (Me. 1995); *Meiners v. Aetna Cas. & Sur. Co.*, 663 A.2d 6, 8 (Me. 1995); *Grishman v. Grishman*, 407 A.2d 9, 11 (Me. 1979). Moreover, Sarvis was not denied due process. *See Fichter v. Bd. of Env'tl. Prot.*, 604 A.2d 433, 436-37 (Me. 1992).

The entry is:

Judgment affirmed.

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