

KATHERINE R. McCLELLAN

v.

EUGENE F. LYNCH

Submitted on Briefs March 22, 2006
Decided March 29, 2006

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

MEMORANDUM OF DECISION

Katherine R. McClellan appeals from an order on a motion to modify child support and rights of contact entered in the District Court (West Bath, *Vafiades, J.*) following a hearing. In the absence of a transcript or a statement of the evidence that complies with M.R. App. P. 5(d), “we must assume that the transcript would support the . . . court’s findings of fact.” *State v. Nugent*, 2002 ME 111, ¶ 2, 801 A.2d 1001, 1002; *see Alley v. Alley*, 2002 ME 162, ¶¶ 1-2, 809 A.2d 1262, 1262. Contrary to McClellan’s contentions, the District Court acted within the bounds of

its discretion in its order on her motion to modify.¹ See *Twomey v. Twomey*, 2005 ME 124, ¶ 12, 888 A.2d 272, 275; *Jarvis v. Jarvis*, 2003 ME 53, ¶ 29, 832 A.2d 775, 781.

The entry is:

Judgment affirmed.

For plaintiff:

Katherine Roberts McClellan
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Bath, ME 04530

Defendant did not file a brief.

¹ McClellan also challenges the unstructured nature of the current visitation schedule. However, the judgment establishes a schedule that calls for visits at very specific times, and McClellan is entitled to rely on that judgment.