

PHILOMENA BAKER MYEROWITZ

v.

MOSHE MYEROWITZ

Submitted on Briefs March 29, 2007
Decided June 21, 2007

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

MEMORANDUM OF DECISION

Philomena Baker Myerowitz (Baker) appeals from a divorce judgment entered by the District Court (Bangor, *Gunther, J.*). Contrary to Baker's arguments, the court did not err when, based upon its factual findings, it enforced the premarital agreement between her and Moshe Myerowitz, including the provision barring spousal support. *See* 19 M.R.S.A. § 148 (Supp. 1987);¹ *Stickney v. City of Saco*, 2001 ME 69, ¶ 13, 770 A.2d 592, 600. We do not address Baker's argument that the court erred by refusing to report the initial decision on the

¹ Title 19 M.R.S.A. § 148 (Supp. 1987) was repealed and replaced with 19-A M.R.S. § 608 (2006). *See* P.L. 1995, ch. 694, § B-2 (effective Oct. 1, 1997).

enforceability of the premarital agreement pursuant to M.R. App. P. 24(c) because the issue of the premarital agreement's enforceability has now reached us on appeal and any error in the failure to permit a Rule 24(c) appeal is now moot. *See Sevigny v. Home Builders Ass'n of Me., Inc.*, 429 A.2d 197, 201 (Me. 1981). We find Baker's evidentiary arguments, including those regarding allegations of fraud, unpersuasive.

Furthermore, the court did not err in its determination and identification of marital property; no error in the identification or distribution of the nonmarital property warrants further review, M.R. Civ. P. 61; *Murphy v. Murphy*, 2003 ME 17, ¶ 20, 816 A.2d 814, 820; and the court did not abuse its discretion when it distributed all of the identified marital property to Baker, *Carter v. Carter*, 2006 ME 68, ¶ 14, 900 A.2d 200, 203.

The entry is:

Judgment affirmed.

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