

DAVID SAPHIER

v.

DEBORAH J. SAPHIER

Submitted on Briefs July 19, 2007
Decided August 9, 2007

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

MEMORANDUM OF DECISION

David Saphier appeals from a divorce judgment entered in the District Court (Rumford, *Tucker, J.*) dissolving his marriage to Deborah J. Saphier. Contrary to David's contention, the court did not abuse its discretion by establishing spousal and child support obligations that may require David, for a relatively brief period, to use marital funds awarded to him to pay his obligations until he has secured employment consistent with his earning capacity. *See Smith v. Smith*, 419 A.2d 1035, 1039 (Me. 1980) (stating that the court may consider "payor spouse's total financial resources, not merely . . . current income" when establishing support obligations). Furthermore,

the court's findings of fact related to David's earning capacity were neither unduly speculative, *see Warner v. Warner*, 2002 ME 156, ¶ 48, 807 A.2d 607, 624, nor clearly erroneous, *see Payne v. Payne*, 2006 ME 73, ¶ 7, 899 A.2d 793, 795.

The entry is:

Judgment affirmed.

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