

SANDY S. SMITH

v.

DALE A. SMITH

Submitted on Briefs November 27, 2007
Decided December 27, 2007

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

MEMORANDUM OF DECISION

Sandy S. Smith appeals from a contempt judgment entered in the District Court (South Paris, *McElwee, J.*) arising out of her refusal to comply with her divorce judgment pursuant to M.R. Civ. P. 66(d)(3)(B) (2006). Contrary to her contention, we find that the trial court did not err in imposing a coercive fine and that her due process rights were not violated by the court's reliance on affidavits to establish failure to comply. We also decline to characterize the court's use of the term "commercially reasonable" to define the rental agreement as improper and find that the order was sufficiently clear to meet the requirement of M.R. Civ. P.

66(d)(3)(B). The trial court did not abuse its discretion in fashioning this contempt remedy. *See Hogan v. Veno*, 2006 ME 132, ¶ 18, 909 A.2d 638, 646 (citing *Wrenn v. Lewis*, 2003 ME 29, ¶ 13, 818 A.2d 1005, 1009).

The entry is:

Judgment affirmed.

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