

MARGARET PETERSON

v.

RANSOM PETERSON

Submitted on Briefs January 11, 2007
Decided January 23, 2007

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Margaret Peterson appeals from a judgment entered in District Court (Portland, *Bradley, J.*), ordering that the parties' marital home be sold and the profit, after certain debts are paid, be divided equally between the parties. She argues that the court abused its discretion in failing to provide her with credit for her mother's \$20,000 contribution to the marital home because (1) the contribution was not a gift but a marital debt; (2) the contribution created a constructive trust in favor of her mother; and (3) dividing the property in relatively equal shares did not constitute an equitable division of property pursuant to 19-A M.R.S. § 953 (2005).

The court could have reasonably found that all the elements of a gift were satisfied, *see Bennett v. Bennett*, 587 A.2d 463, 464 (Me. 1991), and that Margaret had failed to establish that the money was held in a constructive trust in favor of her mother, *see Baizley v. Baizley*, 1999 ME 115, ¶ 6, 734 A.2d 1117, 1118. Though “just distribution” pursuant to 19-A M.R.S. § 953 is not synonymous with “equal distribution,” *Murphy v. Murphy*, 2003 ME 17, ¶ 27, 816 A.2d 814, 822, the court was within its discretion in dividing the marital assets relatively equally, *see Grenier v. Grenier*, 2006 ME 99, ¶ 10, 904 A.2d 403, 406.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Kenneth P. Altshuler, Esq.
Childs, Rundlett, Fifield, Shumway & Altshuler, LLC
257 Deering Avenue
Portland, ME 04103-4898

Attorney for defendant;

Theodore H. Irwin Jr., Esq.
Irwin Tardy & Morris
52 Center Street
Portland, ME 04101