

TAMARA S. MORRELL

v.

JAMES P. MORRELL

Submitted on Briefs January 11, 2007  
Decided February 20, 2007

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

MEMORANDUM OF DECISION

James P. Morrell argues eight issues on appeal from a divorce judgment entered in the District Court (West Bath, *Field, J.*) with respect to Tamara S. Morrell.<sup>1</sup> Contrary to James's contentions, we find that the court did not abuse its discretion, nor did it commit clear error, as the case may be, in: (1) determining the value of the nonmarital portion of his DownEast Energy retirement account, *see Warren v. Warren*, 2005 ME 9, ¶ 26, 866 A.2d 97, 103; *Kapler v. Kapler*, 2000 ME 131, ¶¶ 6, 9, 755 A.2d 502, 506-07; 19-A M.R.S. § 953(2) (2006); (2) concluding that the appreciation in James's DownEast Energy stock from September 1985 to September 1995 is marital property, *see Bonville v. Bonville*,

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<sup>1</sup> James argues a ninth issue—that the court erred when it failed to determine the marital net worth awarded to each party, thereby distributing the marital estate inequitably. This argument is meritless.

2006 ME 3, ¶ 9, 890 A.2d 263, 266; *Warren*, 2005 ME 9, ¶¶ 26-27, 866 A.2d at 103; 19-A M.R.S. § 953(2); (3) concluding that certain promissory notes are marital property to be equally divided, *see Bonville*, 2006 ME 3, ¶ 9, 890 A.2d at 266; *Spooner v. Spooner*, 2004 ME 69, ¶¶ 29-34, 850 A.2d 354, 362-63; 19-A M.R.S. § 953(2); (4) awarding \$50,000 in back support to Tamara, *see Payne v. Payne*, 2006 ME 73, ¶ 7, 899 A.2d 793, 795; *see generally Ackerman v. Yates*, 2004 ME 56, ¶ 17, 847 A.2d 418, 424; *Ames v. Ames*, 2003 ME 60, ¶¶ 27, 30, 822 A.2d 1201, 1209-10; (5) ordering James to pay Tamara \$500,000 in the property division, *see Bonville*, 2006 ME 3, ¶ 9, 890 A.2d at 266; *Murphy v. Murphy*, 2003 ME 17, ¶ 27, 816 A.2d 814, 822; (6) calculating child and spousal support, despite the alleged interest Tamara may earn on other payments, *see Payne*, 2006 ME 73, ¶ 7, 899 A.2d at 795; *Carter v. Carter*, 2006 ME 68, ¶ 19, 900 A.2d 200, 204; 19-A M.R.S. §§ 951-A(4)-(5), 2001(5)(A), 2009(1) (2006); and (7) denying James's motion to dissolve an attachment,<sup>2</sup> *see Trans Coastal Corp. v. Curtis*, 622 A.2d 1186, 1187 n.1, 1188 (Me. 1993); M.R. Civ. P. 4A(c), (h); nor (8) did the court fail to make the findings necessary when awarding spousal support, *see Carter*, 2006 ME 68, ¶ 19, 900 A.2d at 204; 19-A M.R.S. § 951-A(1)-(2), (5) (2006).

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<sup>2</sup> James's argument that the court erred in originally granting an attachment on an ex parte basis is moot. *See Foley v. Jacques*, 627 A.2d 1008, 1009-10 (Me. 1993).

The entry is:

Judgment affirmed.

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