

ANDREW J. HOWARD

v.

LINDA J. HOWARD

Submitted on Briefs July 29, 2008

Decided September 4, 2008

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

#### MEMORANDUM OF DECISION

Andrew J. Howard appeals from a divorce judgment entered in the District Court (Biddeford, *Janelle, J.*) granting him a divorce from Linda J. Howard. Contrary to Andrew's contention, the court did not err in its equitable division of the marital estate. *See* 19-A M.R.S. § 953(1) (2007) (providing that in a proceeding for divorce, the court "shall divide the marital property in proportions the court considers just after considering all relevant factors"); *Carter v. Carter*, 2006 ME 68, ¶ 14, 900 A.2d 200, 203 ("We review the divorce court's division of marital property and debts for an abuse of discretion."). Nor were the court's findings insufficient to support its division of the marital property. *See Murray v. Murray*, 529 A.2d 1366, 1368 n.1 (Me. 1987) (providing that where a party fails to move for further findings of fact pursuant to M.R. Civ. P. 52(b), this Court assumes that the divorce court found all the facts necessary to support its decision).

In addition, the court's finding that Andrew committed economic misconduct is supported by the record and is therefore not clearly erroneous. *See Quin v. Quinn*, 641 A.2d 180, 181-82 (Me. 1994) (holding that the record compelled a finding of economic misconduct where marital property was transferred with the express purpose of removing it from the marital estate). Furthermore, in determining the duration of its general spousal support award, the court was not required to credit Andrew for the period in which he paid interim

spousal support, and overall the court's award of spousal support was within the bounds of its discretion. *See* 19-A M.R.S. § 951-A(2)(A), (E) (2007); *Payne v. Payne*, 2006 ME 73, ¶ 7, 899 A.2d 793, 795.

Finally, because Andrew failed to file a brief in his appeal of a judgment of the District Court granting Linda's motion for attachment and trustee process, we dismiss the appeal. M.R. App. P. 4(c), 7(d).

The entry is:

Divorce judgment affirmed. Appeal of the judgment granting attachment and trustee process is dismissed.

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