

ELAYNE STAR

v.

ALLAN H. WEINER

Submitted on Briefs November 4, 2008

Decided December 2, 2008

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

MEMORANDUM OF DECISION

Allan H. Weiner appeals from a judgment entered in the District Court (Biddeford, *Moskowitz, J.*) requiring him to pay post-judgment interest pursuant to 14 M.R.S. § 1602-C (2007) on a lump sum that had been awarded as part of his divorce settlement agreement after he missed the deadline for payment. Elayne Star cross-appeals from the judgment, which found that no interest was due from November 7, 2007, until payment was made in February of 2008.

Contrary to Weiner's argument, the award of post-judgment interest did not constitute an improper modification of the property distribution from the original divorce judgment. *See Raymond v. Raymond*, 480 A.2d 718, 725 (Me. 1984) (finding that post-judgment interest could apply to "a lump sum . . . as, for example, a payment in lieu of alimony or one to carry out a division of marital property").

The decision to waive interest is reviewed for an abuse of discretion and is upheld unless "plainly and mistakenly unjust." *See Austin v. Austin*, 2000 ME 61, ¶ 10, 748 A.2d 996, 1000. Absent a request from a party for additional findings of fact and conclusions of law, "pursuant to M.R. Civ. P. 52(b), we assume that the District Court made all of the findings necessary to support its decision." *In re Zoe*

M., 2004 ME 94, ¶ 10, 853 A. 2d 762, 766. Neither party made such a request in this case, and we find that the court properly exercised its discretion under 14 M.R.S. § 1602-C(2).

The entry is:

Judgment affirmed.

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