

LINDA L. GREELEY

v.

THOMAS M. GREELEY

Submitted on Briefs November 27, 2007

Decided January 31, 2008

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

MEMORANDUM OF DECISION

Linda L. Greeley appeals from a divorce judgment entered in the District Court (Lewiston, *McElwee, J.*) with respect to Thomas M. Greeley. Contrary to Linda's contentions, we conclude that: (1) the court's findings as to the values of the parties' S corporation, known as Greeley's Garage, and improved real estate located at 711 Washington Street were not clearly erroneous, *see Robinson v. Robinson*, 2000 ME 101, ¶ 12, 751 A.2d 457, 460; (2) the court did not abuse its discretion when it divided the marital property with respect to the parties' accounts and use of income and tax refunds, *see id.* ¶ 13, 751 A.2d at 460; *Peters v. Peters*, 1997 ME 134, ¶ 17, 697 A.2d 1254, 1259; and (3) the court did not abuse its

discretion in ordering that Thomas pay his obligation to Linda over the course of five years and in declining to order Thomas to give Linda a security interest in property awarded to him, *see Robinson*, 2000 ME 101, ¶ 14, 751 A.2d at 460-61.

We find, however, that the court erred when it failed to include language in the divorce judgment dated December 20, 2006, that would preclude Thomas from selling any real estate relating to Greeley's Garage, including 711 Washington Street, without satisfaction of his obligation to Linda. The court had ordered in its memorandum of findings of fact, conclusions of law, and order on post-hearing motions and exceptions dated December 15, 2006, that such language be incorporated into the divorce judgment, anticipating that the language would be abstracted and recorded as an encumbrance on the real estate. We therefore remand this matter to the District Court to amend the divorce judgment to include language consistent with its December 15, 2006, memorandum.¹

The entry is:

Judgment vacated in part and remanded to the District Court with instructions to amend the final divorce judgment consistent with this memorandum of decision. Judgment affirmed in all other respects.

¹ The language inserted into the court's amended divorce order is to be drafted so that, when abstracted pursuant to 19-A M.R.S. § 953(7) (2007), it puts third parties on notice of an encumbrance on the property owned by Greeley's Garage, Inc. at 741 Washington Street as well as real estate owned by Thomas located at 711 Washington Street.

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