

RICHARD MERRILL

v.

PATRICIA FEILEN

Submitted on Briefs November 27, 2007
Decided January 8, 2008

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

MEMORANDUM OF DECISION

Richard Merrill appeals from a judgment entered in the District Court (Augusta, *Anderson, J.*) finding him in contempt of court for failing to transfer ownership of a life insurance policy to Patricia Feilen as required by the settlement agreement incorporated into their divorce judgment. Patricia Feilen cross-appeals (1) the court's refusal to find Merrill in contempt for failure to transfer three other insurance policies; (2) the amount awarded by the court; and (3) the amount of attorney fees awarded.

The judgment reflects careful consideration by the court and contains a well-reasoned analysis of the issues. Contrary to Merrill's contention, the court did not err in refusing to apply the equitable doctrine of laches. *See Glew v. Glew*, 1999 ME 114,

¶ 14, 734 A.2d 676, 681-82; *Fisco v. Dep't of Human Servs.*, 659 A.2d 274, 275-76 (Me. 1995). Furthermore, the court did not commit clear error or abuse its discretion in holding Merrill in contempt for failing to transfer the policy. *See Ames v. Ames*, 2003 ME 60, ¶ 22, 822 A.2d 1201, 1207; *Weiss v. Brown*, 1997 ME 57, ¶ 7, 691 A.2d 1208, 1210.

Likewise, the court did not commit clear error or otherwise err in (1) finding that Merrill was only obligated to make premium payments until the end of the terms in effect at the end of the divorce, *see Monk v. Morton*, 139 Me. 291, 295-96, 30 A.2d 17, 19 (1943); (2) finding that Patricia failed to meet her burden of proving the remaining policies were transferable, *see In re Heather G.*, 2002 ME 151, ¶ 9, 805 A.2d 249, 251; and (3) in reducing her award by \$5000 to account for a loan of unknown amount, *see Doucette v. Washburn*, 2001 ME 38, ¶ 7, 766 A.2d 578, 581. Finally, the court did not abuse its discretion in awarding Patricia only a portion of her requested attorney fees. *See Colony Cadillac & Oldsmobile, Inc. v. Yerdon*, 558 A.2d 364, 368 (Me. 1989).

The entry is:

Judgment affirmed.

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