

BARBARA SANFORD-EPPS

v.

CONRAD EPPS

Argued February 14, 2008
Decided March 18, 2008

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

MEMORANDUM OF DECISION

Conrad Epps appeals from a divorce judgment entered by the District Court (Springvale, *Cantara, J.*) following a trial. Epps argues that the judgment must be vacated because the court: (1) violated the automatic stay imposed when he filed for bankruptcy one month before the trial; (2) erred in admitting evidence that should have been excluded as hearsay, which affected its judgment concerning his rights of contact with his children; and (3) abused its discretion in awarding spousal support.

Epps's argument concerning the automatic bankruptcy stay, raised for the first time on appeal, is not preserved and we therefore decline to reach it. *See*

Fitch v. Doe, 2005 ME 39, ¶ 27, 869 A.2d 722, 729 (“No principle is better settled than that a party who raises an issue for the first time on appeal will be deemed to have waived the issue . . .”). Additionally, we find that the trial court did not obviously err in admitting evidence that Epps contends should have been excluded as hearsay. *See In re Joshua B.*, 2001 ME 115, ¶ 10, 776 A.2d 1240, 1243 (stating that unpreserved error is reviewed for obvious error affecting substantial rights). Finally, the court’s factual findings underlying its award of transitional spousal support are supported by the record; therefore the award does not constitute an abuse of the court’s discretion. *See Potter v. Potter*, 2007 ME 95, ¶ 6, 926 A.2d 1193, 1195.

The entry is:

Judgment affirmed.

Attorney for Conrad Epps:

Pamela Holmes, Esq. (orally)
Sharon D. Ward, Esq.
McGarry & Holmes, LLC.
PO Box 1647
Wells, Maine 04090

Attorney for Barbara Sanford-Epps:

David J. Bobrow, Esq. (orally)
Bedard & Bobrow, PC
9 Bradstreet Lane
PO Box 366
Eliot, Maine 03903