

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 09-176
Docket No. Pen-09-72DAVE OWENS¹

v.

JULIE WINN

Submitted on Briefs October 14, 2009
Decided October 20, 2009Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD, and
GORMAN, JJ.

MEMORANDUM OF DECISION

Julie Winn appeals from a final divorce judgment entered in the District Court (Bangor, *Sparaco, J.*). We review the court's factual findings for clear error, *Tibbetts v. Tibbetts*, 2000 ME 210, ¶ 6, 762 A.2d 937, 939, and its decision to uphold a settlement agreement for an abuse of discretion, *Shaw v. Shaw*, 2003 ME 153, ¶ 11, 839 A.2d 714, 716. Contrary to Winn's assertions, (1) the court did not err in finding that the parties had entered into a settlement agreement because the parties presented the agreement to the court and testified regarding their assent to its terms, and the terms were not vague or incomplete, *see Ault v. Pakulski*, 520 A.2d 703, 704 (Me. 1987) (stating that contract must be sufficiently clear to be capable of judicial enforcement), and (2) the court did not abuse its discretion by declining to set aside the agreement based on Winn's assertions of a substantial change of circumstances, *see Shaw*, 2003 ME 153, ¶ 11, 839 A.2d at 716 (noting that court has discretion to set aside an agreement if it finds that it would be manifestly unjust). Additionally, because the court did not err in incorporating the terms of the settlement agreement into the judgment, and the court did not make any disputed additions to those terms, no additional testimony or hearing was required. *See Thorne v. Leask*, 2004 ME 145, ¶¶ 7-8, 861 A.2d 690, 691.

The entry is:

¹ Mr. Owens is also referred to in the filings as David Owens.

Judgment affirmed.

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Bangor District Court docket number FM-2002-286
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