

STACEY E. ANDERSON

v.

JON H. ANDERSON

Submitted on Briefs November 23, 2009

Decided December 10, 2009

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

MEMORANDUM OF DECISION

Jon Anderson appeals from a judgment entered in the District Court (Biddeford, *Janelle, J.*) denying his motion for relief from a divorce judgment pursuant to M.R. Civ. P. 60(b). Anderson contends that the methods of dividing marital retirement property described in the divorce judgment and subsequent qualified domestic relations orders were not consistent with the terms of the parties' settlement agreement. Contrary to his contentions, the court did not abuse its discretion in denying his motion for relief because Anderson did not diligently pursue his rights, *see Ezell v. Lawless*, 2008 ME 139, ¶ 28, 955 A.2d 202, 209, by challenging the language used to describe the property division during the divorce proceedings, *see Reville v. Reville*, 370 A.2d 249, 253 (Me. 1977); by moving to amend or reconsider the divorce judgment pursuant to M.R. Civ. P. 59, *see Randlett v. Randlett*, 401 A.2d 1008, 1010 (Me. 1979); or by appealing directly from the divorce judgment pursuant to M.R. App. P. 2, *see Ezell*, 2008 ME 139, ¶ 18, 955 A.2d at 206-07. Moreover, he did not establish that the judgment would result in manifest injustice to him in order to justify Rule 60(b) relief, *see Calaska Partners, L.P. v. Dahl*, 676 A.2d 498, 501 (Me. 1996).

In the alternative, Anderson contends that the methods of dividing marital property described in the divorce judgment were ambiguous and subject to clarification. Contrary to his contentions, the terms of the divorce judgment were not ambiguous; accordingly, they did not require clarification. *See Thompson v.*

Rothman, 2002 ME 39, ¶ 6, 791 A.2d 921, 923; *Austin v. Austin*, 2000 ME 61, ¶ 4, 748 A.2d 996, 998.

The entry is:

Judgment affirmed.

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