

NICOLETTA M. DALTON

v.

WILLIAM M. DALTON

Submitted On Briefs January 28, 2010
Decided February 4, 2010

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Nicoletta M. Dalton appeals from a judgment of judicial separation issued in the District Court (Portland, *MG Kennedy, J.*) on her complaint against William M. Dalton.

Contrary to her assertions, the District Court did not commit clear error by either failing to find that William engaged in economic misconduct or miscalculating the dollar amount of certain assets. *See Wells v. Powers*, 2005 ME 62, ¶ 2, 873 A.2d 361, 363 (stating that a finding of fact is clearly erroneous when (1) there is no competent evidence in the record to support that finding, (2) the fact-finder misapprehends the evidence, or (3) the evidence as a whole is contrary to the truth of the case); *see also Sutherland v. Morrill*, 2008 ME 6, ¶¶ 4-5, 940 A.2d 192, 193 (stating that when a party fails to “move for further findings of fact and conclusions of law after the court enter[s] its judgment” this Court “must assume that the court found all facts necessary to support the [outcome] to the extent that such facts are supported in the record” (quotation marks omitted)).

Nor did the District Court abuse its discretion by characterizing William’s post-separation credit card debt as marital debt or in its overall determination of a just division of the marital property. *See* 19-A M.R.S. § 851(10) (2009); *see also id.* § 953(1)(A)-(C) (2009) (“[T]he court shall set apart to each spouse the spouse’s

property and shall divide the marital property in proportions the court considers just after considering all relevant factors.”); *Catlett v. Catlett*, 2009 ME 49, ¶ 34, 970 A.2d 287, 293 (“The division need not be even, but must be ‘just’ considering the parties’ circumstances.”). We are not persuaded by, and do not address, Nicoletta’s remaining contentions.

The entry is:

Judgment affirmed.

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