

MICHAEL D. VITTUM JR.

v.

JULIE M. VITTUM

Submitted on Briefs October 27, 2011

Decided November 1, 2011

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

MEMORANDUM OF DECISION

Michael D. Vittum Jr. appeals a divorce judgment entered in the District Court (Belfast, *Worth, J.*). Contrary to his contentions, the court did not err in finding that payments he made to Julie M. Vittum during the separation were neither child support nor spousal support. *See Wandishin v. Wandishin*, 2009 ME 73, ¶ 14, 976 A.2d 949 (fact-findings underlying an award of spousal support are reviewed for clear error); *Carolann v. Bell*, 2007 ME 39, ¶ 12, 916 A.2d 945 (fact-findings underlying an award of child support are reviewed for clear error). The court did not abuse its discretion in determining the amount or duration of spousal support and did not misapply the statutory rebuttable presumption that “general support may not be awarded for a term exceeding ½ the length of the marriage if the parties were married for at least 10 years but not more than 20 years as of the date of the filing of the action for divorce,” as provided in 19-A M.R.S. § 951-A(2)(A)(1) (2010), when the court referred to the nineteen-year duration of the marriage along with other factors in support of its determination that Julie overcame the presumption. *See Wandishin*, 2009 ME 73, ¶ 14, 976 A.2d 949 (noting that we review the court’s conclusions regarding whether an award of spousal support is appropriate for an abuse of discretion); *Pillsbury v. Pillsbury*, 2007 ME 46, ¶¶ 11-12, 918 A.2d 1210 (reviewing the court’s decision regarding which of two presumptions to apply for error of law). Finally, the court

did not adopt the proposed judgment verbatim, and its findings and order reflect the application of the court's independent judgment. *See Jarvis v. Jarvis*, 2003 ME 53, ¶ 14, 832 A.2d 775.

The entry is:

Judgment affirmed.

On the briefs:

Joseph W. Baiungo, Esq., Belfast, for appellant Michael Vittum

Daniel A. Pileggi, Esq., Roy, Beardsley, Williams & Granger, LLC,
Ellsworth, for appellee Julie Vittum