

ERIC O. BRAZER

v.

KATHLEEN E. BRAZER

Argued October 11, 2011  
Decided November 1, 2011

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

#### MEMORANDUM OF DECISION

Kathleen E. Brazer appeals and Eric O. Brazer cross-appeals from the divorce judgment entered in the District Court (York, *Brodrick, J.*) dividing marital property. On appeal, Kathleen contends that the court erred or abused its discretion by: (1) finding that the land at 11 Jack's Cove Lane was not transmuted into marital property; (2) considering and accepting an expert's opinion regarding the valuation of the land at 11 Jack's Cove Lane and the determination that its increase in value was caused solely by market forces; (3) deciding the effect of joint mortgages on the value of the marital component of the land; and (4) the division of marital property.

There is no clear error in the finding that the land at 11 Jack's Cove Lane was not transmuted into marital property. *See Spooner v. Spooner*, 2004 ME 69, ¶ 7, 850 A.2d 354. Nor did the court abuse its discretion in the admission of the expert opinion, *see Malenko v. Handrahan*, 2009 ME 96, ¶ 30, 979 A.2d 1269, or err in giving weight to the expert opinion regarding the valuation of the land at 11 Jack's Cove Lane and the determination that its increase in value was caused solely by market forces, *see Handrahan v. Malenko*, 2011 ME 15, ¶ 14, 12 A.3d 79. The court did not err in the calculation of value of the marital estate as including mortgage debts paid with marital

funds, *see Spooner*, 2004 ME 69, ¶ 7, 850 A.2d 354, or abuse its discretion in the division of marital property, *see Carter v. Carter*, 2006 ME 68, ¶ 14, 900 A.2d 200.

On appeal, Eric contends that the court erred in determining that payment of certain mortgage debts should be considered as part of the value of the marital estate. There is no clear error in the treatment of payments of mortgage debt as enhancing the value of the marital estate. *See Spooner*, 2004 ME 69, ¶ 7, 850 A.2d 354. Although Eric contends that the court erred by not including a \$48,500 reverse mortgage disbursement as part of Kathleen’s marital assets, he failed to establish any error by the court. *See Edwards v. Campbell*, 2008 ME 173, ¶ 10, 960 A.2d 324 (stating that the appellant “has the burden to provide the entire record necessary for appellate review,” and that “[i]n the absence of the necessary record, we assume that the court’s judgment is supported by sufficient competent evidence in the record”).

The entry is:

Judgment affirmed.

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**On the briefs:**

Gene R. Libby, Esq. and Hillary J. Massey, Esq., Libby, O’Brien, Kingsley,  
& Champion, LLC, Kennebunk, for appellant Kathleen E. Brazer

James B. Bartlett, Esq. and Theresa Page, Esq., York, for appellee Eric O. Brazer

**At oral argument:**

Gene R. Libby, Esq., for appellant Kathleen E. Brazer

James B. Bartlett, Esq., for appellee Eric O. Brazer