

AMANDA L. DRAKE

v.

DONALD G. DRAKE

Submitted on Briefs October 19, 2022  
Decided October 27, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and  
LAWRENCE, JJ.

## MEMORANDUM OF DECISION

Donald G. Drake appeals from a divorce judgment entered by the District Court (Lewiston, *Archer, J.*) in which the court allocated parental rights and responsibilities between him and Amanda L. Drake, awarded child and spousal support, and disposed of the parties' marital property. Contrary to his contentions, (1) the court did not err in its findings or abuse its discretion in allocating parental rights and responsibilities, including final decision-making authority, given the father's own testimony that the parents could not agree on parenting issues, *Douglas v. Douglas*, 2012 ME 67, ¶ 26, 43 A.3d 965; *Pyle v. Pyle*, 2017 ME 101, ¶ 7, 162 A.3d 814; *Martin v. MacMahan*, 2021 ME 62, ¶ 33, 264 A.3d 1224; *Handrahan v. Malenko*, 2011 ME 15, ¶ 14, 12 A.3d 79; (2) the court did not err in finding the mother's earning capacity or abuse its discretion in its award of spousal and child support and attorney fees, *see Douglas*, 2012 ME 67, ¶ 26, 43 A.3d 965; *Payne v. Payne*, 2008 ME 35, ¶ 6, 942 A.2d 713; *see also Handrahan*, 2011 ME 15, ¶ 14, 12 A.3d 79; (3) given these determinations, the court did not abuse its discretion in allocating the dependent tax deduction for the parties' two children to the mother, *Bojarski v. Bojarski*, 2012 ME 56, ¶ 25, 41 A.3d 544; and (4) the court did not err in determining the value of marital

property based on the value listed in the father's financial statement, which the mother agreed could be an appropriate value, *see Burrow v. Burrow*, 2014 ME 111, ¶ 20, 100 A.3d 1104, or in considering, in determining a just disposition of the parties' equity in the marital home, *see* 19-A M.R.S. § 953(1) (2022), that the father had admittedly failed to pay the mortgage as required by the court's interim order.<sup>1</sup>

The entry is:

Judgment affirmed.

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Verne E. Paradie, Jr., Esq., Lewiston, for appellant Donald Drake

Amy Dieterich, Esq., and Sarah Mitchell, Esq., Skelton Taintor & Abbott, Lewiston, for appellee Amanda Drake

Lewiston District Court docket number FM-2020-492  
FOR CLERK REFERENCE ONLY

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<sup>1</sup> The father's argument that the court erred in failing to award him unspecified tangible personal property was briefed in a perfunctory manner and is deemed waived. *See Mehlhorn v. Derby*, 2006 ME 110, ¶ 11, 905 A.2d 290.