

TRACY L. (CARD) ESTES

v.

PETER W. CARD II

Submitted on Briefs April 19, 2022  
Decided April 28, 2022

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

## MEMORANDUM OF DECISION

Tracy L. (Card) Estes appeals from a divorce judgment entered by the District Court (Bridgton, *Churchill, J.*) in which the court ordered Peter W. Card II to pay Estes spousal support, disposed of the marital property, and allocated the marital debt. Contrary to Estes's contentions, (1) the court did not err in finding Card's earning capacity by averaging the preceding four years of his income, which included earnings for large amounts of overtime, *see Wandishin v. Wandishin*, 2009 ME 73, ¶ 14, 976 A.2d 949; (2) the court did not err or abuse its discretion in its award of spousal support because it considered the relevant statutory factors, including the parties' ages, their relative earning capacities and housing costs, Card's previous retention of marital funds for his own use during the marriage, and the diminished debt payments that would result from the ordered sale of an undeveloped parcel of marital real estate, *see Efstathiou v. Aspinquid, Inc.*, 2008 ME 145, ¶ 52, 956 A.2d 110; 19-A M.R.S. § 951-A(5) (2021);<sup>1</sup> and (3) the court did not abuse its discretion in disposing

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<sup>1</sup> Both 19-A M.R.S. § 951-A (2021) and 19-A M.R.S. § 953 (2021), which is cited below, have been amended since the divorce judgment was entered. *See* P.L. 2021, ch. 122, §§ 1-3 (effective

of the marital property and allocating the marital debts to award Estes roughly \$46,000 more in net value than Card while requiring the parties to sell their undeveloped parcel to provide debt relief primarily to Estes with the rest of the funds going toward specific debts allocated to Card and any excess being evenly divided, *see Krui v. Krui*, 2002 ME 14, ¶ 4, 789 A.2d 99; *Finucan v. Williams*, 2013 ME 75, ¶ 19, 73 A.3d 1056; 19-A M.R.S. § 953(1) (2021).

The entry is:

Judgment affirmed.

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Verne E. Paradie, Jr. Esq., Lewiston, for appellant Tracy L. (Card) Estes

Susan Schultz McEvoy, Esq., Schultz Family Law, LLC, Gorham, for appellee Peter W. Card II

Bridgton District Court docket number FM-2020-56  
FOR CLERK REFERENCE ONLY

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Oct. 18, 2021) (codified at 19-A M.R.S. § 951-A(2)(C), (5)(M-1), 953(1)(D) (2022)). We cite the statutes in effect when the judgment was entered.