

DIANE G. MAWHINNEY

v.

DANIEL R. MAWHINNEY

Submitted on Briefs June 22, 2022
Decided June 30, 2022

Panel: MEAD, JABAR, and CONNORS, JJ., and HJELM, A.R.J.

MEMORANDUM OF DECISION

Daniel R. Mawhinney appeals from judgments of the District Court (Lewiston, *Archer, J.*) denying his motion to modify the parties' 2009 divorce judgment as to spousal support, granting Diane G. Mawhinney's motion to enforce the spousal support obligation, and awarding \$66,959.02 in attorney fees and costs to Diane. Contrary to Daniel's contentions, the evidence did not compel a finding that his retirement generated a substantial change in the parties' financial circumstances, as compared to what was foreseen and provided for at the time of the divorce, such that justice required a modification of spousal support,¹ *see* 19-A M.R.S. § 951-A(4) (2022); *Charette v. Charette*, 2013 ME 4, ¶ 13, 60 A.3d 1264; *Klopp v. Klopp*, 598 A.2d 462, 464 (Me. 1991); and the court did not err or abuse its discretion in determining the amount of reasonable attorney fees payable to Diane when Daniel, after commencing this litigation, unilaterally reduced the amount he was ordered by the court to pay in spousal support, resulting in the need for Diane to move to enforce the divorce judgment, 19-A M.R.S. § 105(1) (2022); *Verite v. Verite*, 2016 ME 164,

¹ The evidence did not, as Daniel suggests, compel a finding that Diane was underemployed. *See Huber v. Williams*, 2005 ME 40, ¶ 15, 869 A.2d 737.

¶ 17, 151 A.3d 1. Additionally, we discern no abuse of discretion in the court's denial of Daniel's motions for additional findings of fact. *See* M.R. Civ. P. 52(b); *Gammon v. Boggs*, 2018 ME 152, ¶ 12, 196 A.3d 900. Diane also seeks an award of attorney fees and costs incurred in defending this appeal; we remand for the trial court to determine whether any attorney fees or costs should be awarded. *See Schafer v. Schafer*, 2019 ME 101, ¶ 9, 210 A.3d 842; 19-A M.R.S. § 105(1).

The entry is:

Judgment affirmed. Remanded for further proceedings on Diane's request for attorney fees and costs.

Michelle R. King, Esq., Irwin & Morris, Portland, for appellant Daniel R. Mawhinney

William B. Devoe, Esq., and Kady S. Huff, Esq. Eaton Peabody, Bangor, for appellee Diane G. Mawhinney