

ELAINE EADLER

v.

CORNELIUS J. MITCHELL

Submitted on Briefs December 20, 2000
Decided January 9, 2001

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Cornelius Mitchell appeals and Elaine Eadler cross-appeals from the judgment entered in the Superior Court (Franklin County, *Perkins, A.R.J.*), affirming a divorce judgment entered in the District Court (Farmington, *Gorman, J.*). Mitchell contends that the District Court's division of the marital property was neither just nor equitable, and that the court erred in dismissing his motion for contempt on the ground that the court lacked jurisdiction over certain property in Ireland. In her cross-appeal, Eadler contends that the court erred in concluding that the increases in the value of her stock fund converted the entire asset into marital property. The record indicates a significant history of pooling and mixing assets and income before the marriage and in the early years of the marriage. On this record, the court's characterization of property as marital or nonmarital is supported by the evidence, *see Clum v. Graves*, 1999 ME 77, ¶ 9, 729 A.2d 900, 904, and the resulting property division is within the range of the

court's discretion. *See Tibbetts v. Tibbetts*, 2000 ME 210, ¶ 6, -- A.2d --. Mitchell's other issue on appeal, regarding the ruling on his motion for contempt, cannot be addressed on the merits because the record does not contain a copy of the motion. Mitchell, as the appellant, had the burden of providing us with a record adequate to permit fair consideration of the issues on appeal. *See Tenney v. Benson*, 1999 ME 177, ¶ 1, 741 A.2d 454, 455.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Edward S. David, Esq.
Joyce, David & Hanstein, P.A.
P O Box 31
Farmington, ME 04938-0031

Attorney for defendant:

Robert L. Guillory, Esq.
Shankman & Assoc.
11 Lisbon Street
Lewiston, ME 04240