

LYNN ROEBUCK

v.

DENIS M. THOET

Submitted on Briefs October 23, 2001  
Decided November 13, 2001

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

#### MEMORANDUM OF DECISION

Denis Thoet appeals from a judgment dated January 22, 2001, entered in the District Court (West Bath, *Worth, J.*), denying Thoet's motion to enforce a prior divorce judgment, granting the motion of Lynn Roebuck, Thoet's former wife, to enforce the judgment, and awarding Roebuck attorney fees. Thoet also appeals from a separate order denying his motion to alter or amend the January 22, 2001 judgment.

Contrary to Thoet's contentions, the court did not err when it declined to determine whether an ambiguity existed in Section 9 of the separation agreement incorporated into the divorce judgment, because the court concluded that in an exchange of deeds, the parties intended to and did finally divide their real estate and resolved all of the obligations of the parties set out in Section 9; did not err in concluding that Thoet owed Roebuck \$23,581.67 pursuant to his obligation set out in Section 5 of the separation agreement to contribute to the costs of educating his children;

and acted within the bounds of its discretion in ordering Thoet to pay \$5,563.62 towards Roebuck's attorney fees. *See Dargie v. Dargie*, 2001 ME 127, ¶¶ 30-31, 778 A.2d 353 (citing *Largay v. Largay*, 2000 ME 108, ¶ 16, 752 A.2d 194). Nor did the court act outside its discretion in denying Thoet's motion to allow additional evidence. *See Dolliver v. Dolliver*, 2001 ME 144, ¶ 10, --- A.2d ----. Finally, the court acted within the bounds of its discretion in denying Thoet's motion to alter or amend the judgment. *See Madore v. Maine Land Use Regulation Comm'n*, 1998 ME 178, ¶ 15, 715 A.2d 157.

The entry is:

Judgment and order affirmed.

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