

JANIS L. SYLVESTER

v.

KEVIN L. WAUGH

Submitted on Briefs July 22, 2002
Decided August 20, 2002

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

MEMORANDUM OF DECISION

Kevin Waugh appeals from a judgment entered after a hearing in District Court (York, *Wheeler, J.*) ordering him to pay a child support arrearage to his ex-wife Janis Sylvester. Sylvester cross-appeals from the court's arrearage calculation and its denial of her request for attorney fees. Because neither party has provided us with a transcript of the hearing or a statement of the evidence approved by the trial court pursuant to M.R. App. P. 5(d), we must assume that the factual findings the court made in calculating the arrearage are supported by the evidence and that the court acted within its discretion in declining to order Waugh to pay Sylvester's attorney fees. *Putnam v. Albee*, 1999 ME 44, ¶ 10, 726

A.2d 217, 220. Contrary to Sylvester's contention, the court had the authority to modify the support order retroactively as of the date the parties' oldest child turned eighteen. *Beck v. Beck*, 1999 ME 110, ¶ 8 n.4, 733 A.2d 981, 984.

The entry is:

Judgment affirmed.

Attorney for plaintiff:

Patrick S. Bedard, Esq.
P O Box 366
Eliot, ME 03903

For defendant:

Kevin L. Waugh
12 Meadow Lane, suite 9
Highland Hills, KY 41706