

AMMIE K. TOBY

v.

ZELOUTIS W. TOBY

Submitted on Briefs November 26, 2002  
Decided December 23, 2002

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

## MEMORANDUM OF DECISION

Zeloutis W. Toby III appeals from a divorce judgment entered in the District Court (Houlton, *Griffiths, J.*), challenging the court's distribution of property and its factual findings regarding each party's earning capacity and valuation of assets. Contrary to Zeloutis's contentions, close scrutiny of the findings reflects that the court "adequately performed its judicial function" when it signed a judgment drafted at the court's request by Ammie's counsel, *see In re Sabrina M.*, 460 A.2d 1009, 1013 (Me. 1983); *Weeks v. Weeks*, 650 A.2d 945, 946 (Me. 1994); the court did not commit clear error or exceed the bounds of its discretion in its factual findings regarding the parties' earning capacities; and the court did not exceed the

bounds of its discretion in valuing or distributing the parties' property. *Doucette v. Washburn*, 2001 ME 38, ¶ 24, 766 A.2d 578, 586 ("A just distribution of property is not synonymous with an equal distribution.").

The entry is:

Judgment affirmed.

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