

RICHARD E. SAXON

v.

THERESA M. SAXON

On Briefs December 20, 2001
Decided March 18, 2002

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

MEMORANDUM OF DECISION

Richard E. Saxon appeals from the judgment of the Superior Court (Sagadahoc County, *Studstrup, J.*) affirming the District Court's (West Bath, *Horton, J.*) order on the parties' post-judgment motions, amended divorce judgment, and order amending the attorney fee award. Contrary to Richard's contentions, the District Court did not err in interpreting the original divorce judgment to award Theresa M. Saxon \$11,500 in proceeds from the sale of real property, *Hughes v. Morin*, 2000 ME 135, ¶ 8 n.4, 755 A.2d 513, 515 n.4 ("the intent of the parties [is] relevant to determining the intent of the court"); *In re Amberley D.*, 2001 ME 87, ¶ 21, 775 A.2d 1158, 1165 (credibility determinations are left to the factfinder); rejecting Richard's laches defense, *Dow v. Adams*, 1998 ME 48, ¶ 13, 707 A.2d 793, 796 (a delay in seeking to enforce an obligation results in prejudice if it renders the other party unable to obtain material evidence); awarding Theresa attorney fees based on ample trial evidence, *Dargie v. Dargie*, 2001

ME 127, ¶ 30, 778 A.2d 353, 360 (trial judge has discretion regarding attorney fee awards); and refusing to waive prejudgment interest during a continuance of over thirty days that Theresa obtained because of a potential scheduling conflict on Richard's part that violated a pre-trial order requiring trial on a date certain, 14 M.R.S.A. § 1602(1) (Supp. 2000); *Osgood v. Osgood*, 1997 ME 192, ¶ 10, 698 A.2d 1071, 1073 (prejudgment interest is designed to penalize a party for delay she causes).

The entry is:

Judgment affirmed.

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