

SUPREME JUDICIAL COURT OF MAINE

Miliano v. Miliano

Miliano, 2012 ME 95 (Supreme Judicial Court of Maine 2012) · Decided July 24, 2012

SUMMARY

The Maine Supreme Judicial Court reviewed a divorce judgment involving the classification and distribution of premarital real estate and an award of spousal support. The court held that the evidentiary record did not support treating the properties as marital or quantifying marital components and remanded for clarification or reconsideration of the property and support awards.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Alexander, J.; Gorman, J.; Jabar, J.; Levy, J.; Saufley, C.J.; Silver, J.
JURISDICTION	Maine
DECIDED	July 24, 2012
DISPOSITION	remanded
PROCEDURAL POSTURE	Alfred Miliano appealed from a divorce judgment that classified and distributed six parcels of real estate and awarded Renée Miliano \$2,500 per month in general spousal support until her remarriage or the death of either party.
STANDARD OF REVIEW	Classification of property as marital or nonmarital is reviewed for clear error. Spousal-support awards are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Alfred Miliano v. Renée Miliano

TOPICS

[dissolution of marriage](#)[equitable distribution](#)[spousal support](#)[real estate](#)[appellate procedure](#)

PRACTICE AREAS

[family law](#)[divorce](#)[real estate](#)[remedies](#)[appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the District Court erred by treating Alfred's premaritally acquired real estate as marital property or by distributing it based on an unquantified equitable interest.
2. Whether the District Court could find marital components in the properties without evidence quantifying appreciation or value attributable to marital funds or labor.
3. Whether the spousal-support award could be effectively reviewed when the District Court stated that the property distribution reduced the support award but did not explain the relationship between the property distribution and support.

HOLDINGS

1. Property acquired before marriage is nonmarital property that must be set apart to the acquiring spouse unless the opposing spouse proves a legally recognized interest or a marital component of value.
2. A divorce court has jurisdiction to determine specific legal or equitable claims to premaritally acquired property, but a party asserting such a claim must present and prove it, including the nature and extent of the claimed interest.
3. A party asserting that nonmarital real property acquired a marital component must prove an increase in value or acquisition attributable to marital funds, property, or labor; the court may not arbitrarily establish or divide an unquantified marital component.
4. When the relationship between an invalid property distribution and the spousal-support award is unclear, the matter must be remanded for clarification and possible reconsideration of the judgment, including spousal support.

KEY QUOTATIONS

“The court must “(1) determine what of the parties’ property is marital and non-marital, (2) set apart each spouse’s non-marital property, and (3) divide the marital property between them in such proportion as the court deems just.”” (540)

“A divorce court has no discretion to ameliorate what it views as an unfair overall result through its distribution of nonmarital property” (541)

“Renée’s failure to assert and prove equitable claims to any of the five properties, absent proof of the value of any claimed marital component, required the court to set the properties apart to Alfred as his nonmarital property.” (542)

“The amount of the increase in value is an essential element of the proof.” (543)

“Here, neither party met his or her burden of showing an appreciation in the value of nonmarital real property during the marriage.” (543)

FACTUAL BACKGROUND

Alfred acquired six parcels of real estate before the parties married, although three were acquired during the parties' eighteen-year premarital cohabitation. The parties married in April 2001 after maintaining a household

together and combining their financial and domestic contributions; during the marriage, both parties invested marital funds and labor in the properties. The trial record established the properties' present values but generally contained no evidence of their values when purchased or at the time of marriage, preventing reliable calculation of nonmarital and marital components. The District Court nevertheless divided the properties and awarded Renée \$2,500 per month in general spousal support.

PROCEDURAL HISTORY

Renée filed for divorce in May 2008. After a 2010 divorce hearing, the District Court entered a judgment awarding three of six parcels of real estate to each spouse and awarding Renée lifetime-contingent general spousal support of \$2,500 per month. Alfred appealed, and the Supreme Judicial Court remanded for clarification and possible reconsideration of the property distribution and spousal-support awards.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must clarify its analysis and conclusions and reconsider the property and spousal-support awards as necessary. The trial court may reconsider the entire judgment, may receive or require further evidence if it deems appropriate, may consider reimbursement support, and may impose a lien on Alfred's nonmarital property to secure a spousal-support award. Any further findings, orders, or amended judgments are final unless a new appeal is commenced.

CASES CITED

- Grishman v. Grishman, 407 A.2d 9, 10-12 (Me. 1979)
- Ayotte v. Ayotte, 2009 ME 20, ¶¶ 6-7, 966 A.2d 883
- Bond v. Bond, 2011 ME 54, ¶ 10, 17 A.3d 1219
- Williams v. Williams, 645 A.2d 1118, 1120 (Me. 1994)
- Long v. Long, 1997 ME 171, ¶ 9, 697 A.2d 1317
- Theberge v. Theberge, 2010 ME 132, ¶¶ 18, 24, 9 A.3d 809
- Libby v. Lorrain, 430 A.2d 37, 39 (Me. 1981)
- Zeolla v. Zeolla, 2006 ME 118, ¶ 10, 908 A.2d 629
- State v. Patterson, 2004 ME 79, ¶ 13, 851 A.2d 521
- Spooner v. Spooner, 2004 ME 69, ¶ 18, 850 A.2d 354
- Hedges v. Pitcher, 2008 ME 55, ¶ 15, 942 A.2d 1217
- Coppola v. Coppola, 2007 ME 147, ¶ 19, 938 A.2d 786
- Knowles v. Knowles, 588 A.2d 315, 317 (Me. 1991)
- Degerinhardt v. EWE Ltd. P'ship, 2011 ME 23, ¶ 6 n.3, 13 A.3d 790
- Booth v. Booth, 640 A.2d 1063, 1065 (Me. 1994)

