

SUPREME JUDICIAL COURT OF MAINE

McBride v. Worth

184 A.3d 14 (Me. 2018) · Decided April 19, 2018

SUMMARY

The Maine Supreme Judicial Court reviewed post-divorce enforcement proceedings involving spousal-support arrears, refinancing of the marital home, and attorney fees. The court held that using income withholding to enforce the arrears was within the trial court's discretion, but vacated the income withholding order and partially vacated the judgment because the payment provisions were inconsistent and unclear. The court affirmed the refinancing directive and the partial award of attorney fees.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Humphrey, J.; Alexander; Gorman; Hjelm; Humphrey; Jabar; Mead
JURISDICTION	Maine
DECIDED	April 19, 2018
DISPOSITION	vacated
PROCEDURAL POSTURE	McBride appealed from a District Court judgment resolving post-divorce motions concerning spousal-support arrears, refinancing of the marital home, omitted property, and attorney fees.
STANDARD OF REVIEW	Post-divorce enforcement orders are reviewed for abuse of discretion or error of law, with factual findings reviewed for clear error. Whether a divorce-judgment provision is ambiguous is reviewed de novo. Attorney-fee awards are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Anne M. McBride v. Jeffrey R. Worth

TOPICS

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

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by enforcing spousal-support arrears through an income-withholding order rather than ordering immediate lump-sum payment.
2. Whether the District Court properly clarified the ambiguous refinancing provision in the divorce judgment by requiring McBride to apply for refinancing every six months.
3. Whether the District Court abused its discretion by awarding McBride only \$5,000 of her requested attorney fees.

HOLDINGS

1. A court may enforce spousal-support arrears through installment payments or an income-withholding order instead of requiring immediate lump-sum payment, and the District Court did not abuse its discretion in selecting income withholding here.
2. The judgment and income-withholding order had to be partially vacated because they misstated the amount of ongoing weekly support and failed to make clear what additional amount was intended to be withheld toward the arrears.
3. When a divorce judgment provision is ambiguous, the trial court has inherent authority to construe and clarify it, and the District Court reasonably clarified the refinancing provision by requiring McBride to apply for refinancing every six months while Worth continued regular support payments.
4. The District Court did not abuse its discretion by awarding McBride approximately sixty percent of the attorney fees she requested rather than the full amount.

KEY QUOTATIONS

"An unambiguous judgment must be enforced in accordance with the plain meaning of the language in the judgment." (¶ 10)

"When the judgment is unambiguous, the court may not, under the guise of a clarification order, make a material change that modifies the provisions of the original judgment. If the divorce judgment is ambiguous, however, the court has the inherent authority to construe and clarify the decision." (¶ 17)

FACTUAL BACKGROUND

McBride and Worth were divorced after nineteen years of marriage in 2009. The divorce judgment required Worth to pay McBride \$150 per week in spousal support and awarded McBride the marital residence while requiring her to refinance it when the mortgage market improved and she became financially capable. By May 25, 2017, Worth had accumulated \$11,055.25 in support arrears, while McBride had made good-faith but unsuccessful efforts to refinance. The District Court issued an income-withholding order, clarified the refinancing obligation by requiring applications every six months subject to regular support payments, and awarded McBride \$5,000 in attorney fees.

PROCEDURAL HISTORY

The parties were divorced in 2009. After repeated post-judgment enforcement proceedings, McBride moved to enforce Worth's spousal-support obligation, and Worth moved to enforce McBride's obligation to refinance the marital home and sought division of omitted property. The District Court found Worth owed \$11,055.25 in arrears, issued an income-withholding order, required McBride to apply for refinancing every six months, and awarded McBride \$5,000 in attorney fees. McBride timely appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the income-withholding order and partially vacate the judgment concerning Worth's ongoing spousal-support and arrears obligations. Remand for further proceedings to clarify the correct ongoing support amount and the amount intended to be withheld toward arrears. Affirm the judgment in all other respects.

CASES CITED

- Brochu v. McLeod, 2016 ME 146, ¶ 2, 148 A.3d 1220
- Sullivan v. Rockwood, 2015 ME 119, ¶¶ 19, 21, 124 A.3d 150
- Curtis v. Medeiros, 2016 ME 180, ¶ 8, 152 A.3d 605
- Miliano v. Miliano, 2012 ME 100, ¶ 28, 50 A.3d 534
- Smith v. Padolko, 2008 ME 56, ¶ 17, 955 A.2d 740
- McBride v. Worth, 2015 ME 92, ¶¶ 2-3, 120 A.3d 666
- Voter v. Voter, 2015 ME 11, ¶ 18, 109 A.3d 626