

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2003-087

JULY TERM, 2003

	}	APPEALED FROM:
	}	
Sharon Grenier	}	Caledonia Family Court
	}	
v.	}	DOCKET NO. 100-4-01 Cadm
	}	
Roland Guy Grenier, Jr.	}	Trial Judge: M. Kathleen Manley
	}	
	}	
	}	

In the above-entitled cause, the Clerk will enter:

Sharon Grenier appeals from the court's final divorce order. She argues that the court abused its discretion by awarding the marital home to her former husband, Roland G. Grenier, Jr. We affirm.

The parties were married in 1977, and Sharon filed for divorce in April 2001. At the time of their divorce, Sharon was forty-nine years old, and Roland was fifty-two. The parties do not have any minor children. Sharon works as a transcriptionist at a regional hospital and earns approximately \$29,744 per year. Roland is an engineer and earns approximately \$60,778 per year. The parties' owned an unmortgaged home in Waterford, Vermont, located on approximately thirty-nine acres of land. While divorce proceedings were pending, Sharon lived in the home. Sharon testified that she wanted the court to award her continued possession of the marital home " because she loves the home and it's been her home since 1982." Roland testified that he wanted the court to award him the marital home because he enjoyed hunting and snowmobiling on the property. Ronald also testified that he planned to retire soon, and would like to engage in private consulting work from home.

The court issued its final divorce order in January 2003. The court considered the factors set out in 15 V.S.A. § 751, and made findings of fact on the record. The court awarded the marital home to Roland after concluding that he was in a better financial position to promptly provide Sharon with her share of the equity in the home. The court found that Sharon's monthly expenses, which did not include a rent or mortgage payment, already exceeded her income. Thus, the court explained, even considering the spousal support Sharon received, she would be unable to buy out Roland's portion of the property, and provide him with his share of the equity in a timely fashion. The court also found that Roland would be better able to maintain the residence, which needed a fair amount of work, because he was in a more secure financial situation. As to the value of the marital home, the court accepted Roland's testimony that the appraiser he hired had undervalued the property by failing to consider that thirty-two acres of the property were maintained under a forestry plan. The court found Roland's testimony persuasive, and thus found that the value of the property was \$175,000, instead of the appraised value of \$140,000.

On appeal, Sharon argues that the court erred in awarding her former husband the marital home. She challenges the court's finding that her husband was in a better financial position to quickly distribute the parties' equity in the home. She does not specify how the court's factual findings are clearly erroneous, but instead discusses various ways in which the court could have awarded her the marital home, in light of her financial situation. She also argues that the court erred in accepting a higher value for the home than that submitted by the appraiser. Sharon did not object to Roland's testimony regarding the property's value, and therefore her second claim of error is not preserved for our review. See In

re Estate of Peters, 171 Vt. 381, 390 (2000) (to preserve claim of error in the introduction of evidence, party opposing the introduction must make timely objection or motion to strike); V.R.E. 103(a)(1).

The division of marital property is governed by 15 V.S.A. § 751, which grants the court authority to "equitably divide and assign the property," and sets out a number of factors that the court may consider in making its decision. See Cabot v. Cabot, 166 Vt. 485, 500 (1997) (internal quotations omitted). The trial court has broad discretion to consider the statutory factors and fashion an appropriate order but it must provide a clear statement as to what was decided and why. Id. We have noted that the distribution of property is not an exact science and, therefore, all that is required is that the distribution be equitable. Lalumiere v. Lalumiere, 149 Vt. 469, 471 (1988).

In this case, the court explicitly stated its findings and the reasons supporting them. As noted above, the court concluded that Roland was in a better financial position to provide Sharon with her share of the equity in the marital home. This finding is supported by the evidence. We therefore find no abuse of discretion in the court's award.

Affirmed.

BY THE COURT:

Jeffrey L. Amestoy, Chief Justice

Marilyn S. Skoglund, Associate Justice

Frederic W. Allen, Chief Justice (Ret.)

Specially Assigned