

State of New Hampshire  
Supreme Court

NO. 05-\_\_\_\_\_

IN THE MATTER OF  
HENRY MAHEU  
and  
AGUSTINA C. MAHEU

NOTICE OF MANDATORY APPEAL OF AGUSTINA C. MAHEU  
Pursuant to Supreme Court Rule 7(1)(A)

By: Joshua L. Gordon, Esq.  
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# State of New Hampshire Supreme Court

## NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; or (6) a probation revocation proceeding.

1. COMPLETE CASE TITLE AND DOCKET NUMBERS IN TRIAL COURT

*In the Matter of Henry Maheu and Agustina C. Maheu*  
Salem Family Division No. 2004-M-0081

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

Salem Family Division, 2004 - M - 0081 (*Lucinda V. Sadler, J.*)

3A. NAME & ADDRESS OF APPEALING PARTY

Agustina Maheu  
418 Mammoth Rd  
Pelham, NH 03076

3B. NAME, FIRM, ADDRESS & TELEPHONE  
NUMBER OF APPELLANT'S COUNSEL

Joshua L. Gordon  
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4A. NAME & ADDRESS OF OPPOSING PARTY

Henry Maheu  
(address unknown)

4B. NAME, FIRM, ADDRESS, & TELEPHONE  
NUMBER OF OPPOSING COUNSEL

David M. Groff, Esq.  
Law Office of David Groff  
PO Box 209  
100 Bridge St.  
Pelham, NH 03076  
(603) 635-3531

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

n/a

6. DATE OF CLERK'S NOTICE OF DECISION  
OR SENTENCING

Decree of divorce, May 17, 2005  
Clerk's Notice, May 24, 2005

DATE OF CLERK'S NOTICE OF DECISION  
ON POST-TRIAL MOTION

*A Motion for Reconsideration, along with a Motion for File a Late Motion for Reconsideration* was filed more than 10 days after the decree. This appeal is being filed without regard to those motions.

7. CRIMINAL CASES: DEFENDANT'S  
SENTENCE AND BAIL STATUS

n/a

8. APPELLATE DEFENDER REQUESTED?

No.

9. IS ANY PART OF CASE CONFIDENTIAL? IDENTIFY WHICH PART AND CITE AUTHORITY

There no known basis for confidentiality.

10. IF ANY PARTY IS A CORPORATION, NAMES OF PARENTS, SUBSIDIARIES & AFFILIATES

n/a

11. DO YOU KNOW ANY REASON WHY ONE OR MORE SUPREME COURT JUSTICE WOULD BE DISQUALIFIED FROM THIS CASE?

There is no known basis for recusal.

IF YES, FILE MOTION FOR RECUSAL, SUPREME COURT RULE 21A

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY?

Yes.

IF YES, COMPLETE TRANSCRIPT ORDER FORM

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH.
- I. Did the court err in enforcing a purported prenuptial agreement where Ms. Maheu was a “mail-order bride” from the Philippine Islands with no connection to the United States and limited knowledge of the English language before the parties were married, the purported agreement does not meet basic requirements of a valid contract, and where she signed the purported agreement right before the marriage under the mistaken impression suggested by Mr. Maheu that it was a document required by law to be signed in order to get married?
  - II. Did the court err in awarding the bulk of the assets to Mr. Maheu where they were married for 18 years and where some of the assets were jointly acquired and the others were contributed to by Ms. Maheu?
  - III. Did the court err in granting the parties’ divorce on the basis of irreconcilable difference rather than on the grounds that Mr. Maheu so treated her as to “seriously . . . injure [her] health or endanger [her] reason,” where Mr. Maheu subjected Ms. Maheu to physical and emotional abuse for which Ms. Maheu underwent medical treatment, and Ms. Maheu was frequently afraid for her well-being?
  - IV. Did the court err in not awarding Ms. Maheu alimony where she is disabled; her costs for medical insurance and uninsured medical expenses are significant; temporary orders awarded alimony of \$250 per month; Ms. Maheu signed her alimony checks back over to Mr. Maheu due to his threats of violence; and where Ms. Maheu is unable to work because of her disability, her lack of local family, lack of an outside income, and the court’s other orders which gave most of the assets to Mr. Maheu?
  - V. Did the court err in allowing Ms. Maheu to be cross-examined with regard to unauthenticated letters when the letters were not disclosed by Mr. Maheu until the middle of trial?
  - VI. Did the court err in not allowing Ms. Mahue’s real estate appraiser to testify even though she notified the court and parties that an appraiser might testify?

14. CERTIFICATIONS

I hereby certify that, upon information and belief, every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

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Joshua L. Gordon, Esq.

I hereby certify that on or before the date below copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

June 22, 2005

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Joshua L. Gordon, Esq.

**ATTACHMENTS**

(1)	DECREE OF DIVORCE (May 17, 2005) .....	7
(2)	CLERK’S NOTICE OF DECREE (May 24, 2005) .....	8

## TRANSCRIPT ORDER FORM

**INSTRUCTIONS:**

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Superior Court Administrative Rule 3-1), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the trial court. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.

<b>LIST EACH PORTION OF CASE PROCEEDINGS TO BE TRANSCRIBED</b>						
Date of Proceeding	Type of Proceeding	Length of Proceeding	Name of Judge(s)	Steno/Recorded	Previously Prepared?*	Deposit
2/7/05	Trial	½ day	<i>Sadler, J.</i>	Recorded	no	\$450
5/5/05	Trial	½ day	<i>Sadler, J.</i>	Recorded	no	450
<b>DO NOT SEND DEPOSIT AT THIS TIME</b>						<b>TOTAL DEPOSIT:</b> \$

SCHEDULE OF DEPOSITS

<u>Length of Proceeding</u>	<u>Deposit Amount</u>
Hearing or trial of one hour or less	\$ 175
Hearing or trial up to ½ day	\$ 450
Hearing or trial of more than ½ day	\$ 900/day
Previously prepared portions	Number of pages x \$.50 per page per copy if additional copies are needed

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you may be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

\* For portions of the transcript that have been previously prepared, indicate number of copies that were prepared.