

LINDA E. KARNES

v.

MAREK A. KWASNIK

Submitted on Briefs November 7, 2011  
Decided November 29, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,  
GORMAN, and JABAR, JJ.

#### MEMORANDUM OF DECISION

Marek A. Kwasnik appeals from the judgment of the Superior Court (Cumberland County, *Cole, J.*) affirming the forcible entry and detainer judgment of the District Court (Bridgton, *Powers, J.*) and denying Kwasnik's request for a jury trial and his motion to stay issuance of the writ of possession. M.R. Civ. P. 80D(j). On appeal, Kwasnik contends that his six-year romantic relationship with Linda E. Karnes created a legal interest in her property entitling him to a jury trial on the issue of title to the property and that the evidence presented to the court was insufficient to support issuance of a writ of possession in Karnes' favor.

Review of the record presented to the Superior Court and the District Court demonstrates that, at best, Kwasnik was asserting an equitable interest in the property on which the Superior Court properly determined that Kwasnik was not entitled to a jury trial de novo on the issue of legal title. *See DiCentes v. Michaud*, 1998 ME 227, ¶¶ 7-10, 719 A.2d 509 (jury trial not available on equitable claims). Further, the evidence in the record fully supports the findings by the District Court and the Superior Court justifying issuance of the writ of possession pursuant to 14 M.R.S. § 6001 (2010). Accordingly, the Superior Court appropriately denied Kwasnik's request for a jury trial de novo, affirmed the forcible entry and detainer

judgment of the District Court, and denied Kwasnik's motion to stay issuance of the writ of possession. *See Perreault v. Parker*, 490 A.2d 203, 206 (Me. 1985) (court findings in forcible entry and detainer action reviewed pursuant to clear error standard).

The entry is:

Judgment affirmed.

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**On the briefs:**

Marek A. Kwasnik, pro se

Linda E. Karnes did not file a brief