

GAIL L. FERRY et al.

v.

BEVERLY A. LAVIGNE

Submitted On Briefs February 24, 2011
Decided March 1, 2011

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

MEMORANDUM OF DECISION

Beverly A. Lavigne appeals from an order of the Superior Court (Franklin County, *Delahanty, J.*) removing her as trustee of the Roger J. Lavigne Revocable Trust and ordering an independent audit of the trust in connection with a motion to enforce prior decisions of the court filed by Vivian A. Savage, one of the beneficiaries of the trust. Beverly purports to appeal decisions dating back to 1997 and 1998. The time to appeal these judgments has long since passed, however, and Beverly may no longer challenge them. *See* M.R. App. P. 2(b)(3).

Beverly also purports to appeal the court's judgment dated May 19, 2010. That appeal is interlocutory, however, in that it leaves issues to be decided by the trial court based on the results of the independent audit, including the disposition of trust funds, attorney fees, trustee fees, and possible sanctions. *See Estate of Dore v. Dore*, 2009 ME 21, ¶ 11, 965 A.2d 862, 865. Beverly does not argue that one of the exceptions to the final judgment rule applies to her appeal. *See Tornesello v. Tisdale*, 2008 ME 84, ¶ 12, 948 A.2d 1244, 1249. Thus, we may not review the terms of the May 19, 2010, order.¹

¹ We also decline Vivian's invitation to impose sanctions on Beverly at this time. *See* M.R. App. P. 13(f).

The entry is:

Appeal dismissed as untimely in part and
interlocutory in part.

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