

IN RE MARY D. BUSH TRUST

Argued February 14, 2012
Decided March 13, 2012

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

MEMORANDUM OF DECISION

Anthony D. Howd appeals from a summary judgment entered in the York County Probate Court (*Bailey, J.*)¹ in favor of trustee The Bank of New York (Bank). Contrary to Howd's contentions, the court did not err as a matter of law in granting a summary judgment in favor of the Bank on the basis that Howd's claim that the Bank failed to provide an adequate final accounting and delayed in winding up the trust was barred by the six-month statute of limitations in effect during the relevant period. See 18-A M.R.S.A. § 7-307 (1998);² *Cloutier v. Turner*, 2012 ME 4, ¶ 9, 34 A.3d 1146 (noting that the standard of review of issues of statutory interpretation is de novo for errors of law); *White v. Fleet Bank of Me.*, 2005 ME 72, ¶ 18, 875 A.2d 680 (holding that the information that the trustee provided in regular statements, combined with updated information and the distribution plan, satisfied the requirement of a final accounting because it provided "all the information necessary for the beneficiaries to evaluate the trustee's handling of the account"). We affirm the grant of a summary judgment in favor of the Bank and all of the related orders, including the order that the Bank be paid its accrued but unpaid commissions, costs, and attorney fees before

¹ The final judgment was a summary judgment entered in June 2011 (*Bailey, J.*), but the issues on appeal were decided in a prior summary judgment entered in October 2008 (*Nadeau, J.*), which in turn was based on preliminary findings entered in August 2008 (*Nadeau, J.*).

² Title 18-A M.R.S.A. § 7-307 (1998) has since been repealed and replaced by P.L. 2003, ch. 618, §§ A-1, B-11 (effective July 1, 2005) (codified at 18-B M.R.S. § 1005 (2011)).

distributing any remaining trust assets to Howd and his co-beneficiary, Abby Howd Macdonald, who defaulted.

The entry is:

Judgment affirmed.

On the briefs and at oral argument:

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Anthony D. Howd

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The Bank of New York