

PRIME CARE MEDICAL SUPPLIES, INC.

v.

AMY KELLY

Submitted on Briefs April 26, 2012
Decided May 15, 2012

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

MEMORANDUM OF DECISION

Amy Kelly appeals from an order of the District Court (York, *Janelle, J.*) granting Prime Care's renewed motion for a sale order pursuant to 14 M.R.S. § 3131 (2011) concerning certain real property that Kelly owns in Maine. Contrary to Kelly's arguments on appeal, the court properly issued the sale order even though Kelly represented that she held no equity in the relevant property. *See Odell v. Dunn*, 591 A.2d 465, 465-66 (Me. 1991). The facts in the record establish that the value of Kelly's property exceeded the applicable statutory exemption. 14 M.R.S. § 3131(2)(B). Further, the record does not contain any evidence that Kelly owned any wholly nonexempt property that could satisfy her obligation to Prime Care, and the property subject to the court's order could not practically be divided into exempt and nonexempt portions. *See id.*

The entry is:

Judgment affirmed.

On the briefs:

Graydon G. Stevens, Esq., Kelly, Remmel & Zimmerman, Portland, for appellant Amy Kelly

W. Scott O'Connell, Esq., Nixon Peabody LLP, Manchester, New Hampshire, for appellees Prime Care Medical Supplies, Inc., and Peter Amico

York District Court docket number SA-2011-50
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