

ROBERT I. PERKINS

v.

DEANNA LAWRENCE LIZOTTE

Submitted on Briefs April 25, 2013  
Decided April 30, 2013

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

#### MEMORANDUM OF DECISION

Deanna Lawrence Lizotte appeals from the Superior Court's (Penobscot County, *A. Murray, J.*) dismissal of her appeal from a District Court judgment entered in favor of her landlord, Robert I. Perkins, on his complaint for forcible entry and detainer. Due to Lizotte's failure to pay rent as specified by the court's order during the pendency of this appeal, *see* 14 M.R.S. § 6008(2) (2012), a writ of possession was issued in favor of Perkins on April 22, 2013. Contrary to Lizotte's contentions on appeal, the court did not err in dismissing her appeal because she failed to comply with two requirements for filing an appeal: (1) "When the defendant appeals, the defendant shall pay to the plaintiff or, if there is a dispute about the rent, to the District Court, any unpaid portion of the current month's rent or the rent arrearage, whichever is less"; and (2) "A notice of appeal filed by the defendant must be accompanied by an affidavit stating the defendant has complied with the requirements of subsection 2 regarding the payment of rent." 14 M.R.S. § 6008(2), (6) (2012). Because Lizotte failed to comply with these provisions in commencing her appeal, we affirm the dismissal of that appeal. *See Portland Stage Co. v. Bad Habits Live*, 2001 ME 110, ¶¶ 2-5, 775 A.2d 1132.

The entry is:

Judgment affirmed. The court's escrowed account shall be released to the plaintiff.

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**On the briefs:**

Deanna Lizotte, appellant pro se

Robert Perkins, appellee pro se

Penobscot County Superior Court docket number AP-2012-10  
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