

BRENDA GOVE

v.

JORGE TAVARES

Submitted on Briefs June 26, 2013
Decided July 9, 2013

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

MEMORANDUM OF DECISION

Jorge Tavares appeals from a judgment entered in the District Court (Ellsworth, *Mallonee, J.*) awarding Brenda Gove possession of several items of personal property, including a tractor and woodstove. *See* 14 M.R.S. § 7071 (2012). Contrary to Tavares's contentions, (1) the court did not err or abuse its discretion in awarding Gove possession of a tractor to which Tavares held title, *see id.*; *cf. State v. One Blue Corvette*, 1999 ME 98, ¶ 13 & n. 9, 732 A.2d 856 (noting that possessory rights in a vehicle may belong to someone other than the title holder); (2) no unconstitutional taking was effected through the transfer of possession to Gove because the court determined, based on competent evidence in the record, that Gove—not Tavares—held the right of possession, *see Weinstein v. Hurlbert*, 2012 ME 84, ¶ 9, 45 A.3d 743; *cf. Blanchard v. Dep't of Transp.*, 2002 ME 96, ¶ 28, 798 A.2d 1119 (requiring the owner's consent for the government to take private property for private use); and (3) in the absence of a motion for additional findings, *see* M.R. Civ. P. 52(a), we infer that the court made all findings, supported by the record, that were necessary to support its award of the woodstove to Gove, *see Weinstein*, 2012 ME 84, ¶ 9, 45 A.3d 743.

The entry is:

Judgment affirmed.

On the briefs:

Toff Toffolon, Esq., Machias, for appellant Jorge Tavares

Audrey B. Braccio, Esq., Pelletier & Faircloth, Bangor, for
appellee Brenda Gove

Ellsworth District Court docket number SA-2012-11
FOR CLERK REFERENCE ONLY