

BRUCE DEBOYES et al.

v.

ONE SAUNDERS AVENUE TOWNHOUSE
CONDOMINIUM ASSOCIATION et al.

Submitted on Briefs April 29, 2014

Decided May 13, 2014

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

MEMORANDUM OF DECISION

Bruce and Margaret DeBoyes appeal from a judgment entered in the Superior Court (York County, *Fritzsche, J.*) in which the court determined that the paved driveway near the DeBoyeses' condominium unit was a "common element" within the meaning of the Maine Condominium Act and that access to the DeBoyeses' unit is not "obstructed" within the meaning of their condominium association's declaration. *See* 33 M.R.S. §§ 1601-103(4), (16), 1602-102(1), (4), 1602-108(c) (2013). Contrary to the DeBoyeses' contentions, the evidence was sufficient to support the court's factual findings. *See Tonge v. Waterville Realty Corp.*, 448 A.2d 902, 905 (Me. 1982) ("[T]his Court must give due regard to the trier of fact's determinations on credibility, weight and significance of evidence."). The court did not err in concluding, based on those findings, that the parking area near the DeBoyeses' unit is a common element, *see* 33 M.R.S. §§ 1601-103(4), 1602-108(c); *Villas by the Sea Owners Ass'n v. Garrity*, 2000 ME 48, ¶¶ 15-17, 748 A.2d 457, and that access to the DeBoyeses' unit was not obstructed within the meaning of the condominium association's declaration, *see Farrington's Owners' Ass'n v. Conway Lake Resorts, Inc.*, 2005 ME 93, ¶ 10, 878 A.2d 504 ("The

interpretation of a [declaration], including whether or not its terms are ambiguous, is a question of law that we review de novo.”).

The entry is:

Judgment affirmed.

On the briefs:

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