

AROOSTOOK OUTBACK, LLC

v.

ESTATE OF CAROL L. DEROSIER et al.

Argued May 15, 2014
Decided May 22, 2014

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

MEMORANDUM OF DECISION

Aroostook Outback, LLC, appeals from a judgment of the Superior Court (Aroostook County, *Hunter, J.*) ruling that it is not entitled to a commission on the transfer of corporate stock from Carol L. Derosier to Jennifer M. and Jason M. Daigle. Contrary to Aroostook Outback's contentions, the court did not commit clear error in finding, on the record before it, that the transaction between Carol Derosier and the Daigles was a transfer of corporate stock, not a sale of real estate. *See Pine Ridge Realty, Inc. v. Massachusetts Bay Ins. Co.*, 2000 ME 100, ¶ 27, 752 A.2d 595 ("When reviewing a judgment entered pursuant to Rule 50(d) . . . we must accept the facts found by the court unless those findings are clearly erroneous."). The court did not err in concluding, based on its factual findings, that the intra-family transfer of corporate stock did not entitle Aroostook Outback to a commission pursuant to the Exclusive Right to Sell Listing Agreement for the sale of real estate that Aroostook Outback executed with Jennifer Daigle and Richard R. Derosier. *See First of Maine Commodities v. Dube*, 534 A.2d 1298, 1300 (Me. 1987); *Am. Prot. Ins. Co. v. Acadia Ins. Co.*, 2003 ME 6, ¶ 11, 814 A.2d 989.

The entry is:

Judgment affirmed.

On the briefs:

Peter S. Kelley, Esq., Kelley & Leger Law Offices, Caribou, for appellant Aroostook Outback, LLC

Robert G. Bellefleur, Esq., Madawaska, for appellees Estate of Carol Derosier et al.

At oral argument:

Christopher M. Leger, Esq., Kelley & Leger Law Offices, Caribou, for appellant Aroostook Outback, LLC

Robert G. Bellefleur, Esq., for appellees Estate of Carol Derosier, et al.