

GLORIA HATCH BREWSTER et al.

v.

WELLS BEACH HOSE COMPANY

Argued May 15, 2014

Decided June 10, 2014

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

#### MEMORANDUM OF DECISION

The Wells Beach Hose Company appeals from a summary judgment entered in the Superior Court (York County, *O'Neil, J.*) in favor of Gloria Hatch Brewster and five other heirs to the reversionary interest in dispute (collectively, Brewster) declaring that a parcel of property had reverted to Brewster as a result of the Hose Company using the property in a manner inconsistent with conditions in the deed. Contrary to the Hose Company's assertion, the record evidence properly referred to and relied upon by Brewster in her statement of material facts, *see* M.R. Civ. P. 56(h), even when viewed in the light most favorable to the Hose Company, *see Lubar v. Connelly*, 2014 ME 17, ¶ 4, 86 A.3d 642, demonstrates that there are no genuine issues of material fact with respect to either the intended meaning of the deed's reversionary language or the manner in which the property was being used. *See Dyer v. Dep't of Trans.*, 2008 ME 106, ¶ 14, 951 A.2d 821.

Based on the record, we conclude that the court correctly determined Brewster successfully exercised her reversionary interest and was entitled to judgment as a matter of law. *See N. Star Capital Acquisition, LLC v. Victor*, 2009 ME 129, ¶ 8, 984 A.2d 1278 ("When the plaintiff is the moving party on a motion for summary judgment, the plaintiff has the burden to demonstrate that

each element of its claim is established without dispute as to material fact within the summary judgment record.”).

The entry is:

Judgment affirmed.

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**On the briefs and at oral argument:**

Nicholas S. Strater, Esq., Strater & Strater, P.A., York, for  
appellant Wells Beach Hose Company

Alan E. Shepard, Esq., Shepard & Read, Kennebunk, for  
appellees Gloria Hatch Brewster et al.