

CLIFFORD H. BENNETT

v.

JEANNIE THAYER HURD

Argued April 8, 2015  
Decided April 23, 2015

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

MEMORANDUM OF DECISION

Jeannie Thayer Hurd appeals from a judgment entered in the District Court (Belfast, *Worth, J.*) denying her motion for relief from a default judgment entered against her on Clifford H. Bennett's complaint for breach of contract. *See* M.R. Civ. P. 60(b). Contrary to Hurd's contentions, the court did not abuse its discretion, *see Key Bank of Maine v. Walton*, 673 A.2d 701, 703 (Me. 1996), in denying her motion because (1) Hurd did not challenge the adequacy of service or raise the statute of frauds as a defense when she appeared in the proceeding a year and ten months after the complaint was filed, *see* M.R. Civ. P. 8(c), 12(b), (h)(1); *Architectural Woodcraft Co. v. Read*, 464 A.2d 210, 212 (Me. 1983); *O'Halloran v. Oechsle*, 402 A.2d 67, 69 n.1 (Me. 1979), and (2) Hurd's one-year delay in moving for relief after the entry of the default judgment did not arise from excusable neglect, *see* M.R. Civ. P. 60(b)(1); *Ezell v. Lawless*, 2008 ME 139, ¶ 22, 955 A.2d 202.

The entry is:

Judgment affirmed.

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

Robert E. Sandy, Jr., Esq., Sherman & Sandy, Waterville, for  
appellant Jeannie Thayer Hurd

Sean Ociepka, Esq., Belfast, for appellee Clifford H. Bennett

Belfast District Court docket number CV-2010-53  
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