

GORDON W. TWITCHELL

v.

PAUL A. LIGOR JR.

Submitted on Briefs September 29, 2016
Decided October 11, 2016

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Paul A. Ligor Jr. appeals from an amended judgment imposing a lien and ordering sale of Ligor's undivided one-half interest in a residential property in Sebago entered by the District Court (South Paris, *L. Walker, J.*) following a disclosure hearing. *See* 14 M.R.S. § 3131 (2015) (authorizing imposition of a lien and an order of sale following a hearing). The lien and sale were ordered to enforce a money judgment awarding Gordon W. Twitchell damages plus attorney fees and costs, entered by agreement in 2011.

The amended judgment was signed on October 26, 2015, before Ligor's earlier filed appeal was docketed in the Law Court on November 6, 2015. Accordingly, by operation of M.R. App. P. 3, the trial court was not deprived of authority to act to amend the judgment. We allowed Ligor to refile his appeal to challenge the amended judgment.

Having reviewed the record and Ligor's contentions on appeal, we determine that the court: (1) did not abuse its discretion in denying Ligor's motion, presented the day of the disclosure hearing, to continue the hearing to allow him to retain counsel, *see Wright & Mills v. Bispham*, 2002 ME 123, ¶ 13,

802 A.2d 430; (2) had authority to amend its original judgment before the file was transmitted and the appeal was docketed in the Law Court, M.R. App. P. 3, *see State v. Stevens*, 2008 ME 116, ¶¶ 15-16, 953 A.2d 1135; (3) properly recognized and accounted for Ligor's wife's interest in the Sebago property in the amended judgment; (4) properly did not apply the lien limitation, imposed by the Bankruptcy Court on Ligor's Denmark property, to his interest in the Sebago property; and (5) was not limited in imposing its order of sale by an unrelated foreclosure proceeding on the Sebago property and a judgment in that proceeding in Ligor's favor. Accordingly, the amended judgment and order of sale will be affirmed.

As Ligor notes, realizing any value from a sale of his undivided one-half interest in the Sebago property may be difficult. The complications from possession of a one-half interest may have to be addressed in a separate partition action.

The entry is:

Judgment affirmed.

On the briefs:

Paul A. Ligor, Jr., appellant pro se

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Portland, for appellee Gordon W. Twitchell