

BANGOR SAVINGS BANK

v.

ROBIN N. RICHARD et al.

Submitted on Briefs September 27, 2017
Decided October 5, 2017

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

MEMORANDUM OF DECISION

Robin N. Richard appeals from a judgment of the District Court (Lewiston, *Lawrence, J.*) granting Bangor Savings Bank's motion for preliminary and permanent injunctive relief enjoining her from removing kitchen cabinets or other fixtures from foreclosed property and directing her to secure and return those kitchen cabinets previously removed from the property. On appeal, Richard argues that an injunction was an improper remedy in this case. We disagree.

"[O]ur review is limited to whether the injunction constitutes an abuse of discretion." *Stanton v. Strong*, 2012 ME 48, ¶ 8, 40 A.3d 1013 (quotation marks omitted). There are three issues to resolve in analyzing whether an abuse of discretion has occurred: (1) whether factual findings, if they exist, are "supported by the record according to the clear error standard"; (2) whether the court understood "the law applicable to its exercise of discretion"; and (3) "given all the facts and applying the appropriate law," whether "the court's weighing of the applicable facts and choices [were] within the bounds of reasonableness." *McLeod v. Macul*, 2016 ME 76, ¶ 6, 139 A.3d 920.

Here, the court did not abuse its discretion in granting the injunction because (1) the factual findings made by the court are supported by the record to a clear error standard; (2) as evidenced by its analysis, the court understood the law applicable to its exercise of discretion, *see, e.g., Ingraham v. Univ. of Maine*, 441 A.2d 691, 693 (Me. 1982) (setting forth the criteria for injunctive relief); *see also Searle v. Town of Bucksport*, 2010 ME 89, ¶ 16, 3 A.3d 390 (setting forth the analysis to determine whether an object is a fixture); and (3) the court's weighing of the applicable facts and choices were within the bounds of reasonableness. Therefore, the trial court did not abuse its discretion.

The entry is:

Judgment affirmed.

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Robin N. Richard

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Bank