

ALFONZO TAMBURO

v.

PATRICK T. MORIN et al.

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

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

MEMORANDUM OF DECISION

Alfonzo Tamburo appeals from a summary judgment of the Superior Court (Penobscot County, *Anderson, J.*) in favor of Patrick T. Morin and Marialilian R. Morin on Tamburo's claims for fraud in the inducement and contract rescission in connection with the purchase by Tamburo of the Enfield General Store property from the Morins. Contrary to Tamburo's contentions, summary judgment was properly granted on Tamburo's claim for fraud in the inducement because there was no evidence that the Morins actively concealed the truth about a prior water pollution problem and required water testing, and thus the existence of fraud was not highly probable, *Rand v. Bath Iron Works Corp.*, 2003 ME 122, ¶ 9, 832 A.2d 771; *Francis v. Stinson*, 2000 ME 173, ¶ 37, 760 A.2d 209; *Kezer v. Mark Stimson Assocs.*, 1999 ME 184, ¶¶ 23-24, 742 A.2d 898; and because Tamburo failed to establish the existence of fraud, rescission of the contract was not warranted. *Eaton v. Sontag*, 387 A.2d 33, 36 (Me. 1978).

The entry is:

Judgment affirmed.

Joel A. Dearborn, Esq., Brewer, for appellant Alfonzo Tamburo

Stanley R. Tupper, III, Esq., Portland, for appellees Patrick T. Morin and
Marialilian R. Morin

Penobscot County Superior Court docket number CV-2015-35
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