

GERARD OUELLETTE et al.

v.

LABONTE INVESTMENT REALTY, LLC

Submitted on Briefs April 10, 2018

Decided April 17, 2018

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

## MEMORANDUM OF DECISION

Gerard and Adrienne Ouellette appeal from a declaratory judgment issued by the Superior Court (Aroostook County, *Stewart, J.*) that established the boundaries of a parcel of real estate they own in Madawaska. 14 M.R.S. §§ 5951, 5959 (2017); M.R. App. P. 2A; M.R. Civ. P. 57. The Ouellettes contend (1) that the court erred in determining that the description of the parcel in the mortgage deed is ambiguous, and (2) that the court clearly erred in locating the boundaries of the parcel. Contrary to the Ouellettes' contentions, the mortgage deed is ambiguous because the boundaries of the parcel cannot be located upon the face of the earth without resorting to parol evidence. *See Beckerman v. Conant*, 2017 ME 142, ¶ 14, 166 A.3d 1006; *Lloyd v. Benson*, 2006 ME 129, ¶¶ 8-9, 910 A.2d 1048. We conclude that competent evidence in the record supports the court's finding that the boundary lines of the parcel, designated in green on the MacDonald survey, correctly encompass the entirety of the property excluded from the mortgage to Peoples Heritage Bank. *See Hennessy v. Fairley*, 2002 ME 76, ¶¶ 23, 27, 796 A.2d 41; *McGeechan v. Sherwood*, 2000 ME 188, ¶¶ 25-32, 760 A.2d 1068. We affirm.

The entry is:

Judgment affirmed.

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William J. Smith, Esq., Smith Law Office, LLC, Van Buren, for appellants Gerard and Adrienne Ouellette

Francis E. Bemis, Esq., Bemis & Rossignol, LLC, Presque Isle, for appellee Labonte Investment Realty, LLC

Aroostook County Superior Court docket number CV-2016-55  
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