

CENTRAL MAINE DRYWALL, INC.

v.

PRO CON, INC., et al.

Submitted on Briefs July 24, 2018
Decided August 9, 2018

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

MEMORANDUM OF DECISION

Central Maine Drywall (CMD) appeals from a judgment of the Superior Court (Cumberland County, *Murphy, J.*) denying CMD's claims of unjust enrichment and a mechanic's lien. Contrary to CMD's contention, the mechanic's lien statute does not authorize enforcement of a lien against a general contractor in order to pursue payment from a third party, when the payment has, in fact, been made and has been subsequently voluntarily remitted by the recipient to the third party's bankruptcy trustee. *See* 10 M.R.S. § 3251 (2017). Also contrary to CMD's contention, there is competent evidence in the record to support the court's determination that any purported enrichment by Pro Con as a result of CMD's work was not unjust. *See Howard & Bowie, P.A. v. Collins*, 2000 ME 148, ¶¶ 14-15, 759 A.2d 707.

The entry is:

Judgment affirmed.

Jon A. Languet, Esq., Languet Law, LLC, Belgrade Lakes, for appellant Central Maine Drywall, Inc.

John A. Hobson, Esq., and Joseph G. Talbot, Esq., Perkins Thompson, P.A., Portland, for appellees Pro Con, Inc., and Travelers Casualty and Surety Company of America

Business and Consumer Docket docket number CV-2016-14
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