

LINDA PENKUL

v.

YORK COUNTY COMMISSIONERS

Submitted on Briefs October 24, 2019

Decided October 31, 2019

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

MEMORANDUM OF DECISION

After the Town of Lebanon denied her request for a property tax abatement, Linda Penkul appealed the Town's decision to the York County Commissioners, who denied her request for relief. Penkul now appeals from a judgment of the Superior Court (York County, *O'Neil, J.*) dismissing for insufficient service of process her appeal from the Commissioners' decision. *See* M.R. Civ. P. 80B.

Contrary to Penkul's contention, the court did not abuse its discretion in dismissing her appeal after finding that her attempt to serve the Commissioners did not comply with M.R. Civ. P. 4. *See* M.R. Civ. P. 80B(a); *Maguire Constr., Inc. v. Forster*, 2006 ME 112, ¶ 8, 905 A.2d 813 (“[W]hether a plaintiff actually took the actions required to effectuate service is a question of fact, and the court's factual findings are reviewed for clear error.”); *Brown v. Thaler*, 2005 ME 75, ¶¶ 4, 11, 880 A.2d 1113; *Fleming v. Dep't of Corr.*, 2014 ME 127, ¶ 7, 104 A.3d 137 (“We review a court's decision to dismiss a complaint due to insufficient service of process for an abuse of discretion.”).

The entry is:

Judgment affirmed.

Linda Penkul, appellant pro se

The York County Commissioners did not file a brief

York County Superior Court docket number AP-2019-3
FOR CLERK REFERENCE ONLY