

ROBERT P. SMITH JR. et al.

v.

ELIZABETH SMITH

Submitted on Briefs May 30, 2019
Decided June 6, 2019

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

MEMORANDUM OF DECISION

Elizabeth Smith appeals from a judgment of the Superior Court (Knox County, *Mallonee, J.*) permanently enjoining her from preventing Robert P. Smith Jr. and Cynthia Wheelock Smith, as trustees of the Smith Family Revocable Trust, from accessing and maintaining real property held by the Trust. Elizabeth argues that the court erred by finding that the Trust owns the property and abused its discretion by entering the permanent injunction against her. Elizabeth also contends that the court abused its discretion and denied her due process by denying her motion to continue.

Contrary to Elizabeth's argument, competent evidence supports the court's findings that the Trust owns the property and that a permanent injunction is appropriate. *See Young v. Lagasse*, 2016 ME 96, ¶ 8, 143 A.3d 131; *Stanton v. Strong*, 2012 ME 48, ¶ 11, 40 A.3d 1013. Additionally, the court did not abuse its discretion or deny her due process by denying her motion to continue because Elizabeth received adequate notice of the trial and, despite the court holding the record open, Elizabeth failed to present any evidence or cross-examine witnesses. *See State v. Dube*, 2014 ME 43, ¶ 13, 87 A.3d 1219

(“We review a court’s denial of a motion to continue for an abuse of discretion” and “examin[e] whether the denial had any adverse prejudicial effect on the movant’s substantial rights” (quotation marks omitted)); *Gaeth v. Deacon*, 2009 ME 9, ¶ 23, 964 A.2d 621 (“Proper service of process gives the defendant adequate notice of suit as required by due process.”).

The entry is:

Judgment affirmed.

Elizabeth Smith, appellant pro se

Jean M. McCormick, Esq., Drummond Woodsum, Portland, for appellees Robert P. Smith Jr. and Cynthia Wheelock Smith, as trustees of the Smith Family Revocable Trust