

MELISSA J. FREEMAN

v.

ERIC R. FREEMAN

Submitted on Briefs September 22, 2021
Decided November 23, 2021

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, HUMPHREY, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Melissa J. Freeman appeals from a post-divorce judgment entered in the District Court (York, *Tice, J.*) determining the location of a disputed boundary line between two abutting properties, 8 and 12 Emery's Bridge Road, and denying Melissa's request for an "easement by necessity."¹ The parties owned both properties at the time of their divorce. After the divorce judgment, Melissa purchased Eric R. Freeman's interest in 12 Emery's Bridge Road and Eric executed a quitclaim deed transferring his interest to Melissa. The court determined the boundary line location and the easement issue to effectuate the divorce judgment's requirement that the parties sell 8 Emery's Bridge Road.

The parties have since sold 8 Emery's Bridge Road and we therefore dismiss the appeal of the judgment determining the boundary issues as moot.

¹ Melissa's briefs include other issues that we do not consider as those issues either were not timely appealed or were not raised in her opening brief. See M.R. App. P. 2B(c)(1); *Lincoln v. Burbank*, 2016 ME 138, ¶ 41, 147 A.3d 1165; Alexander, *Maine Appellate Practice* § 404 at 316 (5th ed. 2018); see also *Mehlhorn v. Derby*, 2006 ME 110, ¶¶ 9, 11, 905 A.2d 290.

See Smith v. Hannaford Bros. Co., 2008 ME 8, ¶ 6, 940 A.2d 1079. We also deny Eric's motion for sanctions in which he argues Melissa's appeal is frivolous and primarily brought as a device to delay the sale of 8 Emery's Bridge Road. *See Tuell v. Nicholson*, 2014 ME 118, ¶ 13, 103 A.3d 207.

The entry is:

Appeal dismissed. Eric R. Freeman's motion for sanctions is denied.

Melissa Freeman, appellant pro se

Jessica A. Demers, Esq., Jessica A. Demers LLC, Portland, for appellee Eric R. Freeman

York District Court docket number FM-2017-51
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