

BEHAVIORAL HEALTH RESOURCES, INC.

v.

RACHEL WALLS

Argued September 8, 2021  
Decided September 28, 2021

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

MEMORANDUM OF DECISION

Rachel Walls appeals from a judgment entered in the District Court (Portland, *J. French, J.*), and affirmed by the Superior Court (Cumberland County, *Kennedy, J.*), granting Behavioral Health Resources, Inc. (BHR) possession of the leased premises in a forcible entry and detainer action. *See* 14 M.R.S. § 6017 (2021). BHR leased the premises from the Town of Cape Elizabeth, and Walls had a sublease from BHR. On appeal, Walls questions both the sufficiency of service of process, *see* 14 M.R.S. § 6004 (2021), and the District Court’s finding that the sublease between the parties was “commercial” in nature. *See id.* § 6017. Because the prime lease between BHR and the Town of Cape Elizabeth has been terminated, the service and section 6017 issues that Walls raises are moot. *See In re Involuntary Treatment of K.*, 2020 ME 39, ¶¶ 9, 11, 228 A.3d 445.

Both parties also appeal the Superior Court’s disposition of the escrowed funds Walls paid to that court during the pendency of Walls’s trial court appeal. *See* 14 M.R.S. § 6008(2)(A) (2021). We conclude that the Superior Court did not err in its disposition of the escrowed rent based on the rental rate

established in the parties' sublease. *See Small v. Durango*, 2007 ME 99, ¶ 12, 930 A.2d 297.<sup>1</sup>

The entry is:

Judgment affirmed.

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David A. Lourie, Esq. (orally), Cape Elizabeth, for appellant Rachel Walls

Jeffrey Bennett, Esq. (orally), Legal-Ease, LLC, South Portland, for cross-appellant Behavioral Health Resources, Inc.

Cumberland County Superior Court docket number AP-2020-3  
FOR CLERK REFERENCE ONLY

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<sup>1</sup> In a forcible entry and detainer appeal based on questions of law only, the Superior Court's statutory authority is limited to disposing of the escrowed rent. *See* 14 M.R.S. § 6008(2)(A). Neither the Superior Court's judgment nor our decision here is necessarily a full and final adjudication of the parties' ongoing financial disputes.