

ALFRED C. TRAUTZ

v.

BETHANN PERERA

Submitted on Briefs June 26, 2024
Decided July 2, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Bethann Perera appeals from a judgment entered against her in the Superior Court (Somerset County, *Stokes, J.*) declaring that Alfred C. Trautz had acquired an easement by estoppel for a right-of-way over Perera’s land, and ordering specific performance of an oral contract to convey that easement to Trautz. The judgment orders Trautz’s attorney “to draft a proposed easement deed” and furnish a copy to Perera for “any comments or suggested changes to the description of the deed” on or before December 15, 2023. Further, the judgment provides that “[d]isagreements will be presented to and resolved by the court.” The judgment was docketed on November 20, 2023. Perera filed a notice of appeal on November 29, 2023.

Based on the record before us, it does not appear that the proposed easement deed has been finalized, whether by agreement or by court intervention. Because the description, scope, and the location of the easement have not been resolved, the judgment is not final, and the appeal is therefore premature and interlocutory. *See Moore v. Trout*, 868 S.E.2d 712, 713 (N.C. Ct. App. 2022) (dismissing an appeal from a judgment declaring that a party had acquired an easement by necessity as interlocutory because “the court’s order

does not resolve the issue of where the easement is to be located”); *see also Bond v. Bond*, 2011 ME 5, ¶ 5, 30 A.3d 816 (“A judgment is final only if it disposes of all the pending claims in the action, leaving no questions for the future consideration of the court.”); *Me. Equal Justice Partners v. Commissioner*, 2018 ME 127, ¶ 8, 193 A.3d 796 (“When there is further action to be taken in a given case, that case is interlocutory and not ripe for appellate review.”).

The entry is:

Dismissed as interlocutory.

Bethann Perera, appellant pro se

Michael A. Hodgins, Esq., and Casey M. Olesen, Esq., Eaton Peabody, Bangor, for
appellee Alfred C. Trautz

Somerset County Superior Court docket number RE-2022-18
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