

ROBERT M. RUEL

v.

DOROTHY L. RUEL

Submitted on Briefs June 25, 2001
Decided July 18, 2001

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, and ALEXANDER, JJ.

MEMORANDUM OF DECISION

Dorothy Ruel appeals from (1) a judgment entered in the Superior Court (York County, *Brennan, J.*) affirming the grant of a summary judgment in favor of Robert Ruel in a declaratory judgment action and a claim for slander of title, (2) the dismissal of her counterclaim, and (3) an order denying her motion for relief from judgment entered in the District Court (Biddeford, *Wheeler, J.*). Contrary to Dorothy's contentions, (1) the District Court properly asserted subject matter jurisdiction over this case because the judgment affected title to real estate, *see* 4 M.R.S.A. § 152(5)(O) (Supp. 2000); *see also Boyer v. Boyer*, 1999 ME 128, ¶ 13, 736 A.2d 273, 278; (2) Dorothy was not deprived of due process when the court entered a summary judgment and denied her Rule 60(b) motion for relief from judgment without a testimonial hearing and without a jury, *see* M.R. Civ. P. 56, 60(b); *see also In re Estate of Shapiro*, 1999 ME 25, ¶ 13 n.12, 723 A.2d 886, 889 n.12; and (3) the court acted within its discretion in awarding special damages to Robert consisting of his attorney fees and

expenses incurred in removing the cloud on the title to his real estate, *see Colquhoun v. Webber*, 684 A.2d 405, 413 (Me. 1996) (“[T]he prevailing party in a slander of title action may recover as special damages those attorney fees and expenses accruing from removing the cloud on the title. . . .”).

The entry is:

Judgment affirmed. Remanded to the Superior Court with instructions to remand to the District Court for assessment and award of attorney fees and expenses to Robert Ruel incurred in defending this appeal on the slander of title claim before the Superior Court and this Court.

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