

CLIFFORD BRADBURY et al.

v.

RALPH M. SEARLES SR. et al.

Submitted on Briefs October 6, 2004  
Decided October 13, 2004

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,  
CALKINS, and LEVY, JJ.

#### MEMORANDUM OF DECISION

Clifford and Melissa Bradbury appeal a judgment entered after a trial in District Court (Rumford, *McElwee, J.*) for defendants Ralph M. Searles Sr. and Daniel S. Searles on a claim of fraud arising from the sale of real estate. The court found that the Bradburys did not prove, by clear and convincing evidence, that the Searles knew that the property was in tree growth status or acted in reckless disregard of whether their representation of the status of the land was true or false. In the absence of a complete transcript, we are unable to review the court's factual findings. When, as here, there was no motion for findings of fact and conclusions

of law on the count of fraud, we assume that the court found all the facts necessary to support its decision. *See Bayley v. Bayley*, 602 A.2d 1152, 1154 (Me. 1992). Furthermore, contrary to the Bradburys' contention, notice of a fact is not the equivalent of knowledge sufficient for a finding of fraud as a matter of law.

The entry is:

Judgment affirmed.

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