

RALPH NORWOOD et al.

v.

DAVID A. KETTELL et al.

Submitted on Briefs November 16, 2004
Decided November 30, 2004

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

MEMORANDUM OF DECISION

David A. Kettell and Donald R. Jewett appeal from a judgment, entered after a non-jury trial, by the Superior Court (Hancock County, *Mead, J.*), in favor of Ralph and Katrina Norwood in their action for trespass and to declare the boundary of the parties' land. Kettell and Jewett assert that the court erred in (1) determining that a 1963 release deed conveyed the disputed area to the Norwoods' predecessor in title; (2) accepting the Norwoods' survey as the boundary on the face of the earth; and (3) setting the amount of damages and attorney fees on the trespass claim. The trial court properly interpreted the release deed to convey the disputed area to the Norwoods' predecessor in title and, with that interpretation, identified a

boundary on the face of the earth that is supported by sufficient evidence in the record. See *Hennesy v. Fairley*, 2002 ME 76, ¶ 21, 796 A.2d 41, 48; *Wallingford v. Kennedy*, 2000 ME 112, ¶ 15, 753 A.2d 493, 497. Because the Norwoods proved damage to signs or paint markings located on the property as well as the removal of timber from the property, the court properly awarded reasonable attorney fees and costs for bringing that claim pursuant to 14 M.R.S.A. § 7551-B(3)(C) (2003), without limiting damages to one-half of the damages recovered for cutting and removal of timber pursuant to 14 M.R.S.A. § 7552(5) (2003).

The entry is:

Judgment affirmed.

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