

JOY RENNELL o/b/o CHRISTY R. OULLETTE

v.

MICHELLE BOURGET o/b/o SCOTT BOURGET

Submitted on Briefs April 27, 2004

Decided May 11, 2004

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

MEMORANDUM OF DECISION

Michelle Bourget appeals, on behalf of Scott Bourget, the final protection order entered by the District Court (Biddeford, *Foster, J.*). Because the hearing was not recorded, Bourget's attorney served an affidavit in lieu of a transcript, pursuant to M.R. Civ. P. 74(c).¹ However, the record does not indicate that the affidavit was filed with the District Court so it could be "settled and approved," as required by M.R. Civ. P. 74(c). Without a record of the proceedings, "we must assume that there was sufficient evidence to support the court's factual findings." *Alley v. Alley*, 2002 ME 162, ¶ 2, 809 A.2d 1262, 1262.

¹ Rule 74(c), since abrogated, was analogous to M.R. App. P. 5(d).

The entry is:

Judgment affirmed.

Plaintiff did not file a brief.

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