

ROBERT C. JORDAN et al.

v.

JANET IGOE

Submitted on Briefs April 27, 2004

Decided May 12, 2004

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

#### MEMORANDUM OF DECISION

Robert C. Jordan and Donald Seavey appeal from a judgment entered in the Superior Court (Hancock County, *Hjelm, J.*), after a nonjury trial, in favor of Janet Igoe in a boundary dispute between the parties. Contrary to Jordan and Seavey's contentions, the court properly used earlier deeds in the parties' chains of title when it discovered latent ambiguities in the parties' deeds. *See Wallingford v. Kennedy*, 2000 ME 112, ¶ 15, 753 A.2d 493, 497; *Coombs v. Grindle*, 1998 ME 230, ¶ 11, 718 A.2d 1107, 1109. The court also properly applied the rules of construction that "require that boundaries be controlled in descending order of priority by monuments, courses, distances and quantity." *Wallingford*, 2000 ME

112, ¶ 18, 753 A.2d at 498. No absurd results were created by the court's use of the rules of construction. *Snyder v. Haagen*, 679 A.2d 510, 513 (Me. 1996) (stating that "the loss of length on one boundary is not an absurd result that is manifestly inconsistent with the parties' intentions as reflected in the provisions of [the] deed"). In addition, the court's use of monuments first, and then course calls, established the boundaries to the parties' property in such a manner that the acreage corresponds with the acreage called for in the parties' deeds, and the location of the properties corresponds with the towns called for in the parties' chains of title. The contention of Jordan and Seavey that, in the declaratory judgment, the court should have relied on evidence of usage and occupation of the land to determine boundaries, as opposed to using deeds in the chains of title, is without merit.

Finally, the Superior Court was not compelled to find that Jordan and Seavey acquired the disputed property by adverse possession and properly entered judgment for Igoe on that claim. *See Baptist Youth Camp v. Robinson*, 1998 ME 175, ¶ 12, 714 A.2d 809, 813.

The entry is:

Judgment affirmed.

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