

GREG A. MARTIN

v.

CHARLES J. SCHULZ JR. et al.

Submitted on Briefs February 3, 2005
Decided February 22, 2005

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

MEMORANDUM OF DECISION

Greg A. Martin appeals from a judgment of the Superior Court (Somerset County, *Jabar, J.*) enforcing a settlement agreement against Martin and other members of his family. Contrary to Martin's contentions, the court did not commit clear error in finding that an agency relationship existed authorizing his family members to bind him to the terms of a settlement agreement negotiated at a mediation session at which he was not physically present, but in which he participated by telephone. *See Steelstone Indus., Inc. v. N. Ridge Ltd. P'ship*, 1999 ME 132, ¶ 12, 735 A.2d 980, 983 ("Whether an agency relationship exists is generally a question of fact that we review for clear error."); *Stevens v. Frost*, 140

Me. 1, 10, 32 A.2d 164, 168-69 (1943) (stating that “[i]mplied authority is actual authority circumstantially proven from the facts and circumstances attending the transaction in question and includes such incidental authority as is necessary, usual and proper as a means of effectuating the purpose of the employment”). In addition, the settlement agreement’s description of the land to be exchanged was sufficiently definite so as to be enforced by the court. *See Hafford v. Kelly*, 421 A.2d 51, 53 (Me. 1980) (stating that “[p]rinciples governing the interpretation of contracts serve only to illuminate what matters the agreement purported to settle . . . [and] do not alter the force of the approved agreement as a virtual judgment”) (citations omitted).

The entry is:

Judgment affirmed.

Attorney for appellant:

Jon A. Haddow, Esq.
Farrell, Rosenblatt & Russell
P O Box 738
Bangor, ME 04402-0738

For appellees:

Kenneth A. Lexier, Esq.
Wright & Mills, P.A.
P O Box 9
Skowhegan, ME 04976-0009
(for Charles Schulz et al.)

Brett Baber, Esq.
304 Hancock Street, Suite 2E
Bangor, ME 04401
(for Robert Martin et al.)

Charles Brine, Pro se
P O Box 72
Hartland, ME 04943