

W.G. SAYRE et al.

v.

J. DOUGLAS WELLINGTON et al.

Argued March 25, 2005  
Decided April 11, 2005

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

#### MEMORANDUM OF DECISION

W.G. and Nancy Sayre appeal from a judgment entered in the Superior Court (Hancock County, *Mead, J.*) in which the court declared Douglas and Lourdes Wellington to be the owners of a certain parcel of land within a Castine subdivision and enjoined the Sayres from trespassing upon that parcel in a manner that overburdens the utility access easement granted to all the subdivision lot owners. Contrary to the Sayres' contentions, the Superior Court did not err when it found that the parcel in question belongs to the Wellingtons, subject to the utility easements granted to the owners of the subdivision lots. *See In re Ross Family*

*Trusts*, 2002 ME 89, ¶ 5, 797 A.2d 1268, 1269-70. Accordingly, we also conclude that the court did not err when it found that the Sayres have overburdened their utility easement by constructing their driveway on the parcel. *See Stickney v. City of Saco*, 2001 ME 69, ¶¶ 53-55, 770 A.2d 592, 610.

The entry is:

Judgment affirmed.

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