

KENNETH M. HEGARTY

v.

SHARON PALMETER,
Personal Representative of the Estate of Gary Dorr

Submitted on Briefs July 18, 2006
Decided July 26, 2006

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

MEMORANDUM OF DECISION

Kenneth M. Hegarty appeals from a judgment entered in favor of the late Gary Dorr after a jury-waived trial in Superior Court (Washington County, *Hunter, J.*) on various claims and counterclaims relating to Hegarty's asserted right to cross Dorr's land to reach his own property. Recognizing that determinations of witness credibility are within the sole province of the fact-finder, *Dionne v. LeClerc*, 2006 ME 34, ¶ 15, 896 A.2d 923, 929, the court's factual findings are supported by the record and are not clearly erroneous, *see Stickney v. City of Saco*, 2001 ME 69,

¶¶ 13-14, 770 A.2d 592, 600-01, and thus the court did not err in entering judgment against Hegarty consistent with those findings.

The entry is:

Judgment affirmed.

For the appellant:

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