

ESTATE OF ROBERTA ROBBINS

Submitted on Briefs May 12, 2006
Decided June 27, 2006

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

MEMORANDUM OF DECISION

Carole Robbins appeals from the judgment of the York County Probate Court (*Nadeau, J.*) ordering partition of property located in Limerick in such a manner that her brothers Marshall Robbins, Bruce Robbins, and Eric Robbins shall pay Carole \$27,273.96, which represents the value of a one-quarter interest and her contributions to the property following the death of the decedent. The brothers also cross-appeal from the court's judgment.

Contrary to Carole's contentions, the court did not act beyond its discretion in ordering an equitable partition based in part on the parties' respective contributions to the maintenance of the property and their respective use of the property. *See Ackerman v. Hojnowski*, 2002 ME 147, ¶¶ 19-20, 804 A.2d 412,

417-18; *Withee v. Garnett*, 1998 ME 30, ¶ 4, 705 A.2d 1119, 1120. Contrary to the brothers' contentions, the court did not err in awarding Carole the full amount of her contributions to the maintenance of the property based on its findings regarding her limited use of the property. *See Palanza v. Lufkin*, 2002 ME 143, ¶ 14, 804 A.2d 1141, 1145-46 ("A co-owner's exclusive use of jointly held property is a factor offsetting his expenditures on the property.").

The entry is:

Judgment affirmed.

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