

ESTATE OF AMY B. HEWITT

Submitted on Briefs May 2, 2007  
Decided June 28, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER, and  
MEAD, JJ.

MEMORANDUM OF DECISION

Edward Tumavicus, personal representative for the Estate of Amy B. Hewitt, appeals from a judgment entered in the Cumberland County Probate Court (*Mazziotti, J.*) denying the Estate's request for attorney fees and other costs associated with defending against an objection to the close of the Estate, and with opposing a petition for appointment as special administrator of the Estate brought by Amy Hewitt's father, Edwin Hewitt. Contrary to Tumavicus's contentions, the Probate Court acted within its discretion when it denied Tumavicus's request to sanction Hewitt by awarding attorney fees pursuant to M.R. Civ. P. 11(a). *See Estate of Dineen*, 1998 ME 268, ¶ 10, 721 A.2d 185, 188. Additionally, noting that Tumavicus did not request attorney fees at the time Hewitt brought the first

appeal, we decline to award Tumavicus attorney fees pursuant to M.R. App. P. 13(f) for the first appeal. Moreover, we decline to award attorney fees to Tumavicus in the instant appeal that *he* brought and Hewitt was required to defend as the appellee. *See* M.R. App. P. 13(f).

The entry is:

Judgment affirmed.

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