

ANNA M. CHICCARELLI

v.

JAMES A. BRANN et al.

Submitted on Briefs July 19, 2007  
Decided July 24, 2007

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

#### MEMORANDUM OF DECISION

James A. and Alfred Brann appeal from a declaratory judgment entered in Superior Court (Kennebec County, *Studstrup, J.*) locating the boundary line between the Branns and their neighbor/appellee, Anna M. Chiccarelli, by reference to a survey. Contrary to the Branns' argument, the record supports the location of the boundary with reference to the survey by a preponderance of the evidence. *See Dowley v. Morency*, 1999 ME 137, ¶ 15, 737 A.2d 1061, 1067. Even though several of the monuments referenced in the deeds could not be found on the ground, because their original location could be proved "with some precision"

through extrinsic evidence, *see McGeechan v. Sherwood*, 2000 ME 188, ¶ 28, 760 A.2d 1068, 1076 (quotation marks omitted), they did not lose their significance as monuments, *Lloyd v. Benson*, 2006 ME 129, ¶ 11, 910 A.2d 1048, 1051; *Hennessy v. Fairley*, 2002 ME 76, ¶ 22, 796 A.2d 41, 48. Also contrary to the Branns' contentions, the surveyor was not required to use a "meandering line" along the shore because measurements are presumed to be made on a straight line. *See Melcher v. Merryman*, 41 Me. 601, 604 (1856). Finally, the record does not contain clear and convincing evidence to locate the boundary pursuant to the "doctrine of acquiescence." *Anchorage Realty Trust v. Donovan*, 2004 ME 137, ¶ 12, 880 A.2d 1110, 1112.

The entry is:

Judgment affirmed.

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