

STEPHEN NICHOLL et al.

v.

DONALD E. REED et al.

Submitted on Briefs September 27, 2007
Decided November 8, 2007

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

MEMORANDUM OF DECISION

Donald E. Reed and Lorraine C. Reed appeal from a partial summary judgment entered in the Superior Court (York County, *Brennan, J.*) ordering that a warranty deed to property conveyed by Stephen Nicholl and Margaret Nicholl, Trustees of Oak Hill Realty Trust, to the Reeds be reformed to reflect the intention of the parties at the time of the conveyance. Contrary to the Reeds' contention, the court did not err in finding by clear and convincing evidence that the warranty deed conveyed more property than the parties intended and was therefore a mutual mistake of fact entitling reformation of the deed. *See Yaffie v. Lawyers Title Ins. Corp.*, 1998 ME 77, ¶ 8, 710 A.2d 886, 888.

The entry is:

Judgment affirmed.

Attorney for the plaintiff:

Patrick Bedard, Esq.
9 Bradstreet Lane
P.O. Box 366
Eliot, Maine 03903

Attorney for the defendant:

James Audiffred, Esq.
374 Main St.
P.O. Box 1005
Saco, Maine 04072