

ROBIN WHITE

v.

ROBERT CLOUGH et al.

Submitted on Briefs May 29, 2008  
Decided June 17, 2008

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

#### MEMORANDUM OF DECISION

Robert and Sandra Clough appeal from a judgment of the Superior Court (York County, *Fritzsche, J.*) granting Robin White's motion for declaratory judgment regarding record title of a disputed parcel of property and denying in part their motion for common law adverse possession of a portion of the same disputed parcel. Contrary to the Cloughs' argument regarding record title, the Superior Court did not commit clear error, as competent evidence supporting its findings of fact is present in the record. *See Estate of Deschenes*, 2003 ME 35, ¶ 11, 818 A.2d 1026, 1030.

The Superior Court found that the Cloughs, as the party with the burden of proof, failed to establish by a fair preponderance of the evidence each of the nine required elements of common law adverse possession. *See Wood v. Bell*, 2006 ME 98, ¶ 12, 902 A.2d 843, 848 (listing required elements of adverse possession claim); *Striefel v. Charles-Keyt-Leaman P'ship*, 1999 ME 111, ¶ 3, 733 A.2d 984, 988 (enunciating standard of proof). The evidence does not compel a contrary

finding. *See Falvo v. Pejepscoot Indus. Park, Inc.*, 1997 ME 66, ¶ 10, 691 A.2d 1240, 1243 (citing *Solomon's Rock Trust v. Davis*, 675 A.2d 506, 509 (Me. 1996)).

The entry is:

Judgment affirmed.

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