

ESTATE OF LESTER W. BATCHELDER SR.

v.

CHARLES P. BATCHELDER

Submitted on Briefs June 30, 2008

Decided July 8, 2008

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

MEMORANDUM OF DECISION

Charles P. Batchelder appeals from a judgment of the District Court (Augusta, *Cote, J.*) in favor of Kelley Batchelder, Personal Representative of the Estate of Lester W. Batchelder Sr., on her motion for declaratory judgment. Charles argues that the District Court erred in assigning him the burden of proving that he was entitled to a portion of proceeds from the sale of the trailer that had been on the property he and his brother Lester had owned as tenants in common. His argument is unpersuasive: the District Court divided the proceeds from the real property equally, based on the presumption that tenants in common own equal shares. *Palanza v. Lufkin*, 2002 ME 143, ¶ 6, 804 A.2d 1141, 1144. As to the award of the trailer proceeds to the Estate, the District Court's findings of fact are supported by the record and thus are not clearly erroneous. *Id.* ¶ 9, 804 A.2d at 1144.

The entry is:

Judgment affirmed.

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