

La POSA PROPERTY OWNERS ASSOCIATION

v.

LINDA Z. TODEY

Submitted on Briefs May 29, 2008
Decided July 22, 2008

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

MEMORANDUM OF DECISION

The La Posa Property Owners Association appeals from a summary judgment entered in the Superior Court (Kennebec County, *Marden, J.*) in favor of Linda Z. Todey on the Association's complaint for declaratory and injunctive relief, and from the court's denial of the Association's motion for summary judgment. Contrary to the Association's contentions, the trial court did not err in interpreting the language of a restrictive covenant on the La Posa subdivision to determine that Todey's use of Lot 6 does not violate the restrictive covenant or in entering a summary judgment for Todey. *See Midcoast Cohousing Land Acquisition, LLC v. Riverhouse Trust*, 2008 ME 70, ¶¶ 7, 10, 946 A.2d 421, 423-24. We decline, however, to impose sanctions on the Association. *See Rich v. Fuller*, 666 A.2d 71, 77 (Me. 1995); *Auburn Harpswell Ass'n v. Day*, 438 A.2d 234, 238-39 (Me. 1981).

The entry is:

Judgment affirmed.

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