

MARCIA BUSWELL

v.

ROGER BENNETT

Submitted on Briefs July 29, 2008  
Decided August 26, 2008

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

#### MEMORANDUM OF DECISION

Roger Bennett appeals a default judgment entered in the District Court (South Paris, *Lawrence, J.*) awarding Marcia Buswell \$1920.44 in damages, attorney fees, and costs on her claim of trespass. Bennett argues that the court abused its discretion by granting Buswell's motion for entry of default judgment and that it should have found excusable neglect and further extended the time for filing an answer. Because Bennett failed to file the proper post-judgment motion for relief from the default judgment, we conclude that this appeal is not properly before us and dismiss it. *See Rossignol v. Raynes*, 650 A.2d 935, 937 (Me. 1994) (stating that M.R. Civ. P. 55(c) and 60(b) provide the only basis for the review of a default judgment); *Fleet Mortgage Corp. v. Cobb*, 611 A.2d 565, 566 (Me. 1992) (stating that the proper procedure is to move to vacate the default judgment and, if necessary, appeal the denial of the motion).

The entry is:

Appeal dismissed.

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