

MARY ELLEN MONTANEZ

v.

OSVALDO MONTANEZ

Submitted on Briefs May 29, 2008
Decided September 11, 2008

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

MEMORANDUM OF DECISION

Oswaldo Montanez appeals from a divorce judgment entered in the District Court (Portland, *O'Neil, J.*) and the denial of his motion for an enlargement of time to file an appeal. Oswaldo contends that his motion for an enlargement of time was unjustly conditioned upon his payment of a bond along with the notice of appeal pursuant to M.R. Civ. P. 62(c). Contrary to his contentions, the court did not abuse its discretion by finding good cause pursuant to Rule 62(c) to require the posting of a bond with the notice of appeal. *In re Ashley S.*, 2000 ME 212, ¶ 11, 762 A.2d 941, 945. Because the unpaid bond resulted in an untimely appeal, and because there was no abuse of discretion in requiring the bond, we will not address the merits of Oswaldo's appeal.

The entry is:

Judgment affirmed.

Attorney for Oswaldo Montanez:

Robert C. Andrews, Esq.
PO Box 17621
Portland, Maine 04112

Attorney for Mary Ellen Montanez:

Catherine C. Miller, Esq.
Givertz, Hambley, Scheffee, & Lavoie, P.A.
215 Commercial Street 3rd Floor
PO Box 4801
Portland, Maine 04112-4801