

CAVALRY SPV I, LLC

v.

STEVEN J. BEAN

Submitted on Briefs October 2, 2008

Decided November 4, 2008

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

## MEMORANDUM OF DECISION

Steven J. Bean appeals from a judgment of the District Court (Lewiston, *Beliveau, J.*) denying his M.R. Civ. P. 60(b) motion for relief from the entry of a default judgment against him. Bean contends that (1) Cavalry improperly served process upon him by delivering service of process to a minor at an address different from Bean's physical or mailing address, and (2) Bean's actual knowledge of the existence of a suit against him is not a substitute for compliance with the requirements for service of process under M.R. Civ. P. 4(d)(1).<sup>1</sup>

Bean received notice of the action soon after it was served and communicated with Cavalry before the complaint was filed. In the circumstances, the court did not abuse its discretion in denying Bean's Rule 60(b) motion for relief from judgment. *See Wooldridge v. Wooldridge*, 2008 ME 11, ¶ 7, 940 A.2d 1082, 1084.

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<sup>1</sup> Rule 4(d)(1) provides that personal service shall be made upon a person, other than a minor or an incompetent person, "by delivering a copy of the summons and of the complaint to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein . . ." M.R. Civ. P. 4(d)(1).

The entry is:

Judgment affirmed.

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