

ESTATE OF CLAYTON RINES

Submitted on Briefs February 28, 2008  
Decided March 27, 2008

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

MEMORANDUM OF DECISION

Ronald and Gregory Rines appeal from two judgments entered by the Cumberland County Probate Court (*Mazziotti, J.*). The first judgment denied both parties' motions for summary judgment and the second was based on a finding that Clayton Rines had the mental capacity to sign an annuity policy benefiting Pamela J. Fellows by distributing the proceeds of the policy to her. We do not consider the Rineses' improper appeal regarding the first judgment, *Cheung v. Wu*, 2007 ME 22, ¶ 15, 919 A.2d 619, 623; *Estate of Galluzzo*, 615 A.2d 236, 238 (Me. 1992), and contrary to their contention, the court did not clearly err in finding that Clayton Rines had capacity to execute the annuity policy. *Estate of Marquis*, 2003 ME 71, ¶ 16, 822 A.2d 1153, 1157-58.

The entry is:

Judgment affirmed.

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