

TOWN OF SANFORD

v.

SANFORD AIR, INC., et al.

Submitted on Briefs April 2, 2008
Decided May 6, 2008

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

MEMORANDUM OF DECISION

Sanford Air, Inc., appeals from a judgment entered by the Superior Court (York County, *Fritzsche, J.*), dismissing as moot Sanford Air's appeal from a judgment of the District Court (Springvale, *Douglas, J.*) entered on the Town of Sanford's complaint for forcible entry and detainer. Because Sanford Air had vacated the disputed premises at the time its appeal was heard and no exception to the mootness rule applies, the Superior Court correctly found that the appeal was moot. *See Mulholland v. Poole*, 2005 ME 18, ¶¶ 6, 12-13, 866 A.2d 122, 124, 125 (finding no error in Superior Court's determination that renter's challenge to FED action was moot because renter had vacated the property); *Foster v. Bloomberg*, 657 A.2d 327, 329 (Me. 1995) (stating that, "An FED proceeding is a summary proceeding to determine the single issue of who is entitled to the immediate possession of the property," and holding that because writ of possession had issued and renter no longer had possession of disputed property, appeal was moot); *Rairdon v. Dwyer*, 598 A.2d 444, 445 n.3 (Me. 1991) (once unstayed writ of possession turned premises over to landlord, no further issue remained to be tried in FED action).

The entry is:

Judgment affirmed.

Attorney for Sanford Air, Inc.:

James M. Shepard-Kegl, Esq.
52 Whitney Farms Road
North Yarmouth, Maine 04097

Attorneys for Town of Sanford:

Bryan M. Dench, Esq.
Jennifer L. Thompson, Esq.
Skelton, Taintor & Abbott
95 Main Street
PO Box 3200
Auburn, Maine 04212-3200