

CHRISTINE A. SCHMIDT et al.

v.

MARTHA (HANSCOME) WILLIAMS

Submitted on Briefs June 4, 2009

Decided June 23, 2009

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

MEMORANDUM OF DECISION

Martha (Hanscome) Williams appeals from a declaratory judgment entered in the Superior Court (Hancock County, *Cuddy, J.*) after a jury-waived trial finding that Christine A. and Alice M. Schmidt have acquired a prescriptive easement across Williams's driveway. Contrary to Williams's contentions, the record adequately supports the court's findings by a preponderance of the evidence that (1) the Town's tax lien did not mature and did not, therefore, interrupt the prescriptive period, *cf.* 36 M.R.S. § 943 (2008); *Sandmaier v. Tahoe Dev. Group, Inc.*, 2005 ME 126, ¶ 9, 887 A.2d 517, 519; (2) Williams acquiesced to the Schmidts' use of her driveway rather than giving permission, *see Dowley v. Morency*, 1999 ME 137, ¶ 23, 737 A.2d 1061, 1069; (3) the Schmidts' use of the driveway was under a claim of right adverse to Williams, *see Jordan v. Shea*, 2002 ME 36, ¶ 23, 791 A.2d 116, 122-23; and (4) the easement measures ten feet in width.¹ *See Lyons v. Baptist Sch. of Christian Training*, 2002 ME 137, ¶ 13, 804 A.2d 364, 369; *Eaton v. Town of Wells*, 2000 ME 176, ¶ 33, 760 A.2d 232, 244; *Glidden v. Belden*, 684 A.2d 1306, 1317 (Me. 1996).

¹ Although Williams argues that the court's order requires her to remove a portion of her building, the court entered no such order.

The entry is:

Judgment affirmed.

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