

SALLY M. GUARALDO

v.

RAYMOND L. DAY et al.

Submitted on Briefs July 29, 2009

Decided August 13, 2009

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

MEMORANDUM OF DECISION

Sally M. Guaraldo appeals from the Superior Court's (Hancock County, *Cuddy, J.*) dismissal of her complaint seeking clarification of ownership rights to a parcel of lakefront property located in Lucerne-in-Maine Village. Contrary to Guaraldo's contentions, because the dismissal of her complaint resulted from the neglect of her former attorney, the "excusable neglect" standard of M.R. Civ. P. 60(b)(1) applied to her motion for relief from the dismissal, and she was not entitled to consideration or relief under M.R. Civ. P. 60(b)(6). *See Ezell v. Lawless*, 2008 ME 139, ¶ 18, 955 A.2d 202, 206; *Moulton v. Brown*, 627 A.2d 521, 523 (Me. 1993).

The entry is:

Judgment affirmed.

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