

ESTATE OF BERTHA M. RICHARDSON

Submitted on Briefs September 30, 2009
Decided October 6, 2009

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

MEMORANDUM OF DECISION

The estate of Bertha M. Richardson appeals from a judgment entered in Franklin County Probate Court (*Morton, J.*), denying a homestead exemption that the estate asserted in response to a claim by the Department of Health and Human Services for MaineCare benefits paid on behalf of Richardson. Contrary to the estate's contentions, 18-A M.R.S. § 2-405 (2008) and the statute referred to in section 2-405, 14 M.R.S. § 4422 (2007),¹ do not provide a homestead exemption for estates, *Estate of Whittier*, 681 A.2d 1, 4 (Me. 1996), and therefore the Probate Court did not err in denying the exemption. The Probate Court did not err as a matter of law in awarding the Department prejudgment interest on its claim, pursuant to 18-A M.R.S. § 3-806(d) (2008). *See Osgood v. Osgood*, 1997 ME 192, ¶ 7, 698 A.2d 1071, 1073. The Probate Court did not abuse its discretion in denying attorney fees, pursuant to 18-A M.R.S. § 1-601 (2008). *See Estate of Miller*, 2008 ME 176, ¶¶ 31-32, 960 A.2d 1140, 1147.

The entry is:

Judgment affirmed.

¹ Title 14 M.R.S. § 4422 (2007) has since been amended. P.L. 2007, ch. 579, §§ 1, 2 (effective July 18, 2008) (codified at 14 M.R.S. § 4422 (2008)).

Attorney for the Estate of Bertha M. Richardson:

Gerard K. Williams, Esq.
Williams & Williams
109 Broadway
PO Box 351
Farmington, Maine 04938-0351

**Attorneys for the Maine Department of
Health and Human Services:**

Janet T. Mills, Attorney General
Richard W. Thackeray, Asst. Atty. Gen.
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006