

NELSON DIONNE et al.

v.

JEAN LeCLERC et al.

Submitted on Briefs: January 22, 2009

Decided February 3, 2009

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

MEMORANDUM OF DECISION

Jean and Celine LeClerc appeal from a summary judgment entered by the District Court (Presque Isle, *O'Mara, J.*) in favor of Nelson and Joseph Dionne, ruling that the LeClercs' claim of record title to a portion of Lot C, a piece of land extending south of the St. John River in Fort Kent, is precluded based on res judicata and collateral estoppel.

Contrary to the LeClercs' contention, their claim of title to any portion of Lot C was considered and determined by the prior judgment between the parties that we affirmed in *Dionne v. LeClerc*, 2006 ME 34, ¶¶ 1, 12, 896 A.2d 923, 925, 928-29. *See Portland Water Dist. v. Town of Standish*, 2008 ME 23, ¶¶ 7, 9, 940 A.2d 1097, 1099, 1100.

Although we affirm the court's entry of a summary judgment in favor of the Dionnes and its denial of the LeClercs' motion for a summary judgment, we remand this case for entry of a declaratory judgment. In its summary judgment, the court wrote only that "judgment for title to the property described in the Complaint is hereby entered in favor of Plaintiffs against the LeClercs." This statement does not adequately declare the "rights, status and other legal relations" of the Dionnes as against the LeClercs and the other named defendants. *See York*

Mut. Ins. Co. v. Mooers, 415 A.2d 564, 566 (Me. 1980) (quotation marks omitted). A declaratory judgment regarding title to real estate must describe (1) the property to which it applies with particularity, and (2) the specific relief that is ordered as to all of the parties. See *Murphy v. Maddaus*, 2002 ME 24, ¶ 9 n.3, 789 A.2d 1281, 1284; *Dufour v. Silsby*, 405 A.2d 737, 739 (Me. 1979).

The entry is:

The summary judgment entered in favor of the Dionnes and the denial of the LeClercs' motion for a summary judgment are affirmed. Case remanded for entry of a declaratory judgment that declares the rights, status and other legal relations of all parties.

Attorney for Jean and Celine LeClerc:

William J. Smith, Esq.
Smith Law Office, LLC
PO Box 7
Van Buren, Maine 04785

Attorney for Nelson and Joseph Dionne:

Richard D. Solman, Esq.
Solman & Hunter, P.A.
PO Box 665
Caribou, Maine 04736