

CATHERINE A. NESBIT

v.

FRANK J. KRISTAN et al.

Submitted on Briefs January 13, 2009

Decided January 20, 2009

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

#### MEMORANDUM OF DECISION

Frank J. Kristan appeals from the judgment of the Superior Court (York County, *Brennan, J.*) granting Catherine A. Nesbit's motion for issuance of a writ of execution. Kristan contends that issuance of the writ was in error because (1) the writ is too vague, and (2) issuance of the writ violates the provisions of our prior Memorandum of Decision, Mem 08-98, indicating that enforcement of the judgment affirmed in that Mem. Dec. would be deferred pending completion of Kristan's bankruptcy proceedings. See 14 M.R.S. §§ 4651, 4651-A (2008); *Equity Portfolio LLC, Ltd. v. Schriever*, 2002 ME 104, ¶ 3 n.5, 799 A.2d 1236, 1237. The court did not err in ordering issuance of the writ of execution to be recorded to preserve the priority of Nesbit's claim in the as yet unresolved bankruptcy proceeding. Issuance of the writ of execution to preserve the priority of Nesbit's claim does not amount to enforcement of the judgment, which cannot occur until completion of the bankruptcy proceedings, unless separate enforcement is authorized by the Bankruptcy Court.

The entry is:

Judgment affirmed.

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