

JOHN CLUFF et al.

v.

LINDA B. CLUFF

Argued April 15, 2009

Decided May 5, 2009

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

MEMORANDUM OF DECISION

John Cluff Sr. and Janet Cluff appeal from a judgment entered in Superior Court (York County, *Brennan, J.*) denying their request to reform Linda B. Cluff's deed. The record supports the court's finding that a mutual mistake of fact exists in the deed the Cluffs conveyed to their son and Linda's deceased husband, John Cluff Jr., and Linda. *Bryan v. Breyer*, 665 A.2d 1020, 1022 (Me. 1995) ("We review the trial court's finding of mutual mistake to determine if the fact-finder reasonably could have been persuaded that [a mutual mistake at the time the deed was delivered] was . . . proved to be highly probable." (quotation marks omitted)). Although the finding of mutual mistake is binding upon us, we must still review whether the Cluffs' claim to reform this deed is barred by the doctrine of laches. *Van Dam v. Spickler*, 2009 ME 36, ¶ 12, --- A.2d, ---, ---. Laches can apply (1) when the omission to assert a right has continued for an unreasonable and unexplained lapse of time; and (2) under circumstances where the delay has prejudiced the party or it would be inequitable to enforce the right. *Ne. Harbor Golf Club, Inc. v Harris*, 1999 ME 38, ¶ 19, 725 A.2d 1018, 1023.

Here, we agree with the court's finding that the delay of thirty-five years is unreasonable, and thus the first prong of the laches defense is satisfied. With regard to the second component of laches, the court made no specific finding regarding how the delay prejudiced Linda or how reforming her deed would be

inequitable, but because neither party requested further findings of fact, “we will infer that the court made all the necessary findings of fact to support the judgment, if those findings are supported by evidence in the record.” *Lyons v. Baptist Sch. of Christian Training*, 2002 ME 137, ¶ 13, 804 A.2d 364, 369. The record here supports the trial court’s implied findings that Linda has indeed been prejudiced in this matter by the delay and it would be otherwise inequitable to reform the deed as requested. *See Van Dam*, 2009 ME 36, ¶ 27, --- A.2d at ---; *see also Kelley v. Bhd. of R.R. Trainmen*, 148 Me. 95, 99, 90 A.2d 717, 720 (1952) (“[When] the condition of the other party has, in good faith, become so changed that he cannot be restored to his former state, if the right be then enforced, delay becomes inequitable.” (quotation marks omitted)). Accordingly, the court did not err in concluding that the Cluffs’ claim for deed reformation is barred by the defense of laches.

The entry is:

Judgment affirmed.

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