

SANDRA TURNER

v.

THOMAS L. MARTIN SR.

STEVEN SHAW

v.

THOMAS L. MARTIN SR.

Submitted on Briefs June 4, 2009

Decided June 9, 2009

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

MEMORANDUM OF DECISION

Thomas L. Martin Sr. appeals from two judgments entered in the Superior Court (Waldo County, *Hjelm, J.*) in these consolidated cases. The court reformed three deeds to divide a parcel of real estate that previously had been conveyed from plaintiff Steven Shaw to Martin and defendant Tammy Birkbeck (formerly Tammy Swan). The reformed deeds provide for a new boundary line and apportion part of the land at issue to David Clark, who was a predecessor in interest to plaintiff Sandra Turner and, via David Clark's conveyance, to Turner. The remaining portion of the parcel at issue remains in the ownership of Martin and Birkbeck.

It is Martin's burden, as the appellant, to demonstrate the absence of credible evidence supporting the court's decision. *See O'Halloran v. Oechslie*, 402 A.2d 67, 69 (Me. 1979). M.R. App. P. 5(b)(2)(A) requires an appellant who "intends to

urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence” to include in the record before this Court a transcript of all evidence relevant to the findings of the Superior Court. Martin has failed to include a record for this Court to review. It is an appellant’s burden and responsibility to ensure that the record on appeal is sufficient to permit this Court to consider adequately the issues raised on appeal. *NCO Portfolio Mgmt., Inc. v. Folsom*, 2007 ME 152, ¶ 6, 938 A.2d 24, 26. By not including a transcript for review, Martin has failed to preserve his right to appeal. *See State v. Ahmed*, 2006 ME 133, ¶ 16 n.3, 909 A.2d 1011, 1017; *State v. Barnard*, 2003 ME 79, ¶ 24 n.6, 828 A.2d 216, 223.

The entry is:

Judgments affirmed.

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