

MARK BERMAN et al.

v.

TOWN OF NEW LIMERICK et al.

Submitted on Briefs January 28, 2010

Decided February 11, 2010

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

MEMORANDUM OF DECISION

Mark Berman and Martha Kalotkin Schneider appeal from a judgment entered in the Superior Court (Aroostook County, *Hunter, J.*) denying their motion for summary judgment and entering a summary judgment in favor of the Town of New Limerick, Nancy Y. Putnam, and Carol D. Jordan. *See* M.R. Civ. P. 56(c) (“Summary judgment, when appropriate, may be rendered against the moving party.”).

Contrary to Berman and Schneider’s contentions, the tax lien certificate recorded with respect to property owned by another individual and an unnamed trust, of which Berman and Schneider were co-trustees, sufficiently identified the owners of the property, for purposes of the recording requirements of 36 M.R.S. §§ 942, 943 (2009), by naming the individual owner and a trustee of the trust, given that the trust was unnamed.¹ *See generally* *Town of Pownal v. Anderson*, 1999 ME 70, ¶¶ 14, 19 n.4, 20, 728 A.2d 1254, 1257, 1258-59; *Cary v. Town of Harrington*, 534 A.2d 355, 358 (Me. 1987); (citing *Davis v. City of Ellsworth*, 281 A.2d 138, 139 (Me. 1971) (adopting a functional test with respect to providing title examiners with reasonable certainty concerning property descriptions)); *see also*

¹ The record reveals that each trustee received actual notice of the tax lien.

Fitzgerald v. Hutchins, 2009 ME 115, ¶ 9, 983 A.2d 382, 386 (stating that we review a grant of summary judgment de novo, considering the evidence in the light most favorable to the party against whom judgment was granted).

The entry is:

Judgment affirmed.

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