

FOXWELL AT KITTERY ASSOCIATES

v.

KAREN HILBOURNE

Submitted on Briefs July 7, 2010  
Decided July 22, 2010

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

MEMORANDUM OF DECISION

Karen Hilbourne appeals from a forcible entry and detainer judgment entered upon a jury verdict in favor of her landlord, Foxwell at Kittery Associates, in the Superior Court (York County, *Brennan, J.*) after a de novo jury trial held pursuant to 14 M.R.S. § 6008 (2009) and M.R. Civ. P. 80D(f)(2) to (7). Contrary to Hilbourne's contentions, (1) the court did not abuse its discretion in its evidentiary rulings, *see* M.R. Evid. 401-403; *Camp Takajo, Inc. v. SimplexGrinnell, L.P.*, 2008 ME 153, ¶ 16, 957 A.2d 68, 73; *Gurski v. Culpovich*, 540 A.2d 764, 766 (Me. 1988); (2) it properly concluded that the plain meaning of the lease established a continuing tenancy such that evidence of events preceding or succeeding the one-month renewal term was relevant, *see Villas by the Sea Owners Ass'n v. Garrity*, 2000 ME 48, ¶ 9, 748 A.2d 457, 461; *Camden Nat'l Bank v. S.S. Navigation Co.*, 2010 ME 29, ¶ 16, 991 A.2d 800, 804; and (3) the court's jury instructions "fairly and correctly apprised the jury in all necessary respects of the governing law," *WahlcoMetroflex, Inc. v. Baldwin*, 2010 ME 26, ¶ 14, 991 A.2d 44, 47-48.

The entry is:

Judgment affirmed.

**Attorney for Karen Hilbourne:**

Patrick S. Bedard, Esq.  
Bedard & Bobrow, P.C.  
9 Bradstreet Lane  
PO Box 366  
Eliot, Maine 03903

**Attorney for Foxwell at Kittery Associates:**

David P. Chamberlain, Esq.  
Law Offices of David P. Chamberlain, P.A.  
465 Congress Street, 8<sup>th</sup> Floor  
PO Box 66  
Portland, Maine 04112-0066

York County Superior Court docket number AP-09-22  
FOR CLERK REFERENCE ONLY