

STATE OF MAINE
CUMBERLAND, ss.

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CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-02-023
REC-CUM-1/9/2003 ✓

2003 JAN -9 P 2: 04
MT. HUNGER SHORES ASSOCIATION,
INC.,

Plaintiff/Appellee

v.

DECISION ON APPEAL

BRIAN K. BRAASCH,

DONALD L. GARBRECHT
LAW LIBRARY

Defendant/Appellant

JAN 22 2003

Defendant Brian K. Braasch appeals from the District Court (Small Claims) judgment awarding damages against him in the amount of \$565.00 and costs of \$64.64 and attorneys fees of \$52.50.

Neither party requested a recording of the hearing pursuant to M.R.S.C.P. 6 and therefore no recording was made. The appellant does not contend that the absence of a record of the proceedings in the District Court is for a reason "beyond the control of any party" as that term is used in M.R. Civ. P. 76F(c).


Without a record, this court is unable to review the correctness of the District Court's findings. "... [T]he appellant has the burden of providing ... a sufficient record that allows adequate consideration of his arguments." Tenney v. Benson, 741 A.2d 454 (Me. 1999). he has not met this burden

The appellees request for attorneys fees pursuant to 14 M.R.S.A. §1802 is Denied.

Therefore the entry is:

Appeal DENIED. Case is remanded to the District Court.

Dated: January 8, 2003



Robert E. Crowley
Justice, Superior Court

Date Filed 05-20-02

CUMBERLAND

Docket No. AP-02-23

County

Action APPEAL FROM DIST. COURT

MOUNT HUNGER SHORES ASSOC., INC.

BRIAN BRAASCH

vs.

Plaintiff's Attorney

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840 ROOSEVELT TRAIL
WINDHAM ME 04062

Defendant's Attorney

BRIAN BRAASCH, PRO-SE
90 Summit St.
Portland, ME 04103

Date of
Entry

2002