

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
Docket No. AP-05-006
AP-05-051

REC-CUM - 10/26/05

STEPHEN J. SCHWARTZ, Trustee of
The TOBY L. NEMON TRUST,

Plaintiff,

v.

ORDER

AL SCHULMAN and JULIE NEMON,

Defendants.

Defendants have appealed judgments in favor of the Plaintiff Stephen J. Schwartz, Trustee of the Toby L. Nemon Trust, granting him possession of real estate at 75 Bartley Avenue, Portland, Maine (judgment dated December 17, 2004 in Docket No. POR-SA-04-1040) and granting him possession of a 1999 Dodge Caravan and a 1995 Mercury Sable (judgment dated July 21, 2005 in Docket No. POR-SA-05-683). Defendants have not sought a jury trial *de novo* pursuant to M.R.Civ.P. 80D(f)(2) and therefore this appeal is on issues of law only.

On appeal, the defendants have failed to establish in POR-SA-04-1040 that the trial judge did not correctly apply the law or made findings of fact that were not supported by competent evidence.

In POR-SA-05-683 judgment was entered by default against Julie Nemon Schulman after an unrecorded hearing against both defendants.

Without a record, this court is unable to review the correctness of the District Court's decision. "... the 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).

Therefore, the entry is:

Appeal in AP-05-006 DENIED.

Appeal in AP-05-051 DENIED.

Cases are remanded to the District Court.

DATED: October 26, 2005



Robert E. Crowley
Justice, Superior Court

Date Filed 01/31/05 CUMBERLAND Docket No. AP-05-6 4
County

AP 05-51

Action APPEAL FROM LOWER COURT

STEPHEN J. SCHWARTZ, ESQ., TRUSTEE OF THE
TOBY L. NEMON TRUST

AL AND JULIE SCHULMAN AND ALL OTHER
OCCUPANTS

vs.

Plaintiff's Attorney
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Defendant's Attorney
~~RUBIN G. SEGAL, ESQ. withdrew 6-6-05~~
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AL & JULIE SCHULMAN (PRO SE)
75 BARTLEY ST
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Date of
Entry