

STATE OF MAINE
LINCOLN COUNTY

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-14-35

DEXTER S. POLISTOCK,)
)
 Plaintiff,)
)
 v.)
)
 DEMITRI A. POLISTOCK,)
)
 Defendant.)
)

**JUDGMENT OF EQUITABLE
PARTITION**

(Title to Real Estate is Involved)

Following a hearing on this action on February 2, 2016, and after review of pleadings, affidavits, testimony, exhibits, and other information of record, the Court finds as follows:

1. Plaintiff and Defendant are joint owners of property located at 125 Long Cove Road in Chamberlain (Bristol), Lincoln County Maine (hereinafter “the Property”).
2. The “Property” is an improved parcel of land consisting of one home with an address of 125 Long Cove Road, Bristol, Maine, and is more particularly described in the attached Exhibit A.
3. Plaintiff bore the expenses of ownership of the property for the last 24 years.
4. Defendant has not shared the expenses of owning and maintaining the property.
5. Plaintiff spent at least \$138,051.46 for the expenses connected with ownership of the property.
6. The Property is a small oceanside lot with a house.
7. The Property cannot be physically partitioned.
8. It is in the best interest of the parties to equitably divide their interests in the Property.
9. Plaintiff wishes to sell the property located at 125 Long Cove Road, Chamberlain

(Bristol), Lincoln County, State of Maine for its fair market value and to be reimbursed for Defendant's share of the cost of ownership of the Property.

WHEREFORE, it is ORDERED that, pursuant to 14 M.R.S.A. § 6051(7), the Property shall be equitably partitioned with Plaintiff and Defendant each to receive fifty percent (50%) of the sale proceeds.

And it is further ORDERED that:

All charges and expenses incurred in connection with the sale of the real estate shall be apportioned equally between the parties.

Plaintiff shall pay himself the following amounts from the Defendant's share of the net proceeds:

\$72,011.26¹ for his payment of Defendant's share of the ownership cost of the real estate;

Plaintiff's pre-judgment interest at a rate of 3.13%, which totals \$2,587.41;

Plaintiff's post-judgment interest at a rate of 6.65% from February 2, 2016 until the date of closing;

Plaintiff's court costs of \$612.75; and

Plaintiff's attorney's fees in the amount of \$4,118.00.

Any remaining amount of the Defendant's net proceeds shall be paid to the Defendant, or if he is not located, submitted to the Treasurer of the State of Maine as abandoned property.

¹ The is the amount taken from Plaintiff's Exhibit 4, which includes half of all expenses paid with the exception of the mortgage payments of Exhibit 9.0, which reflect the amount that was due from the Defendant for the mortgage.

The Clerk is direct to incorporate this Order by reference into the docket for this case, pursuant to Rule 79(a), Maine Rules of Civil Procedure.

Dated: February 2, 2016

A handwritten signature in black ink, appearing to read "D. Billings". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Daniel I. Billings, Justice, Maine Superior Court