

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-02-036

6/16/02

DOROTHY LAFORTUNE,

Plaintiff

v.

ORDER

CITY OF BIDDEFORD, et al.,

Defendants

DONALD L. GARDNER
LAW LIBRARY

FEB 5 2004

Following hearing:

1. Ms. Lafortune's Motion to Recuse is Denied.
2. Action on Ms. Lafortune's Motion for Change of Venue is deferred.
3. Ms. Lafortune's Motion for a Temporary Restraining Order against Mr. Ly is Denied.
4. The City's Motion to Dismiss will be scheduled by the Clerk for hearing.

Mr. Ly's Motion to Dismiss

Generally, Ms. Lafortune claims that the City failed to follow proper statutory procedure when it took title to her property at 22 Graham Street, Biddeford, for failure to pay real estate taxes. In May, 2002, the City sold this property to Mr. Ly. Thereafter, Ms. Lafortune filed this complaint challenging the validity of both the tax taking and the sale. As the ostensible title owner of this property, Mr. Ly was clearly a necessary party to this case.

While this case was pending, Mr. Ly brought a Forcible Entry and Detainer action in the District Court seeking a determination that he was entitled to possession of the property. In her response in the District Court, Ms. Lafortune raised the defense of

superior title claiming that the City failed to follow the proper statutory procedure. Once Mr. Ly prevailed in both the District and Superior Courts, Ms. Lafortune appealed to the Maine Supreme Judicial Court, which denied her appeal on October 14, 2003. *Ly v. Lafortune*, 2003 Me. 119. The Supreme Court decision in *Ly v. Lafortune, supra*, finally and conclusively determines that Mr. Ly is the legal titleholder of the property and that Ms. Lafortune's rights to the property have been extinguished. Thus, Mr. Ly's Motion to Dismiss is Granted and all claims against him in this action are dismissed.

The Clerk may incorporate this order on the docket by reference.

Dated: January 29, 2004



G. Arthur Brennan
Justice, Superior Court

Dorothy Lafortune - PL - pro se
Harry B. Center, II, Esq. - Def. City of Biddeford
Craig J. Rancourt, Esq. - Party-in-Interest Robert M. Ruel
Jens-Peter W. Bergen, Esq. - Party-in-Interest Tim Q. Ly
William S. Kany, Esq. - Party-in-Interest Saco Biddeford Savings Institution