

STATE OF MAINE
YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NOS. AP-03-029
AP-03-030

GAB-YOR 1/5/2004

PAULINE MOORE,

Plaintiff

v.

BUDDY AIKEN d/b/a
RAINBOW PAINTERS,

Defendant

DONALD L. GIBSON
LAWYER

JAN 30 2004

ORDER

BUDDY AIKEN d/b/a
RAINBOW PAINTERS,

Plaintiff

v.

PAULINE MOORE,

Defendant

These are two Small Claims appeals from favorable judgments awarded to Mr. Aiken. Following hearing, Ms. Moore's appeals are Denied.


Ms. Moore engaged Mr. Aiken to perform painting and minor repairs on her home. During the course of the work, she requested certain extra work. Mr. Aiken requested additional payment before going forward and when some disagreement arose concerning payment he left the job.

Mr. Aiken then brought a Small Claims action against Ms. Moore for a balance due of \$1,600.00. In a separate Small Claims action Ms. Moore brought a complaint for defective workmanship. Both cases were heard together and the District Court awarded Mr. Aiken \$1,200.00, plus costs and denied Ms. Moore's claim.

On appeal Ms. Moore has the obligation to provide the Superior Court with an adequate record for appellate review. *Boothbay Register, Inc. v. Murphy*, 415 A.2d 1079 (Me. 1980). She argues here that the Maine Home Construction Act, 10 M.R.S.A. §1486, *et seq.* should bar recovery. The difficulty is that without a record of the District Court proceedings, it cannot be determined if this issue was raised below, or waived. In the absence of an adequate record, these appeals must fail. At the direction of the Court, this Order shall be incorporated into the docket by reference. Rule 79(a).

Dated: January 5, 2004

Pauline A. Moore - pro se - PL (AP-03-029)
Buddy Aiken d/b/a Rainbow Painters - pro se
DEF (AP-03-029)


C. Arthur Brennan
Justice, Superior Court

Buddy Aiken d/b/a Rainbow Painters - pro se - PL
Pauline Moore - pro se - DEF (AP-03-030)