

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-08-24

AFFORDABLE KITCHENS & BATHS,

Plaintiff

v.

ORDER

MERYL MADDEN,

Defendant

This is an appeal from a June 26, 2008 Small Claims judgment in favor of Ms. Madden. Following hearing the appeal must be Denied.

In essence, Affordable Kitchens claims that it is owed \$4,460.93 under its contract with the Maddens for work done at their home. Apparently, the Maddens claim that Affordable Kitchens, or one of its subcontractors, damaged floors in the Madden home and that the cost to repair the damage was greater than the amount claimed due by Affordable Kitchens, an assertion which is challenged by Affordable Kitchens. The Small Claims Court in a written decision agreed with the Maddens and entered judgment for them. Affordable Kitchens brings this appeal.

As the proponent of the appeal, Affordable Kitchens must produce a record of the Small Claims proceeding which is adequate for appellate review. This record may consist of a transcript of the proceeding in Small Claims court or a "statement of evidence" approved by the Small Claims judge (see Rule 22(3) Me. Small Claims Rules and Rule 76(c) Maine Rules of Civil Procedure). The burden of producing the record

rests with Affordable Kitchens. Because such a record has not been provided, the appeal must be Denied. *Boothbay Register, Inc. v. Murphy*, 415 A.2d 1079 (Me. 1980).

The entry will be as follows:

Affordable Kitchens' appeal is Denied: the Small Claims judgment is Affirmed and the case remanded to the District Court.

Dated: March 16, 2009



G. Arthur Brennan
Justice, Superior Court

Affordable Kitchens and Baths - PL - Pro se
Meryl Madden - DEF - Pro se