

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION

DOCKET NO. CV-03-171

ME - YORK - 10/30/2003

CARL RANKEL,

Plaintiff

v.

ORDER

ESTATE OF ARMAND GADBOIS and
STATE FARM V.P. MANAGEMENT CORP.,

Defendants

DONALD L. GORTON, JUDGE
LATELY

NOV 17 2003

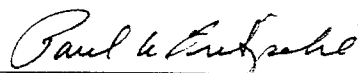
This complaint, based on an August 1, 1998 motor vehicle accident, will be dismissed against defendant State Farm as there is no final judgment against its insured Armand Gadbois, *See* 24-A M.R.S.A. §2904. Thus a "reach and apply" action is premature.

The complaint will also be dismissed against the defendant estate as Mr. Gadbois died on June 21, 1999 and a personal representative for his estate was not appointed within 3 years of his death. *See* 18-A M.R.S.A. §3-108(a). A personal representative is necessary before an estate can be sued and, as it is now too late to have a personal representative appointed, it is too late to sue the estate. *See In re Estate of Kruzynski*, 2000 ME 17, ¶¶4-6, 744 A.2d 1054, 1055-6 and 18-A M.R.S.A. §3-104.

The entry is:

Complaint dismissed as to both defendants.

Dated: October 30, 2003


Paul A. Fritzsche
Justice, Superior Court

Amy B. McGarry, Esq. - PL
Roger O'Donnell, III, Esq. - Def. State Farm V.P. Management Corp.