

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-03-051

GAB-YOR. 1/5/2004

GLENN CARTER, JR.,

Plaintiff

v.

ORDER

DONALD L. ...
LAW ...

PHILIP FRENETTE,

Defendant

JAN 30 2004


This is an appeal from a Small Claims judgment in favor of Mr. Carter. Following hearing on December 30, 2003, the appeal is Denied.

Mr. Carter complained that Mr. Frenette made certain mis-representations concerning the septic system on property he bought from Mr. Frenette. After hearing the District Court awarded \$4,500.00, plus costs to Mr. Carter. Mr. Frenette appeals generally, but specifically argues that Mr. Carter's claim exceeded the Small Claims jurisdictional limit. This argument is based on an estimate in the District Court file for septic repairs which totaled \$4,620.00, which exceeds the \$4,500.00 Small Claims limit.

The difficulty with this argument is that Mr. Carter's complaint seeks only \$4,500.00 and the judgment is for \$4,500.00. On the face of the record the jurisdictional limit has not been exceeded. Without a more complete record of the proceedings in the District Court, it cannot be determined whether the claim exceeded the limit or not. As the appellant, Mr. Frenette has the obligation to produce an adequate record for appeal. *Boothbay Register, Inc. v. Murphy*, 415 A.2d 1079 (Me. 1980). Having failed to do so, his appeal 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

Glenn Carter, Jr. (PL) - pro se
Michael J. O'Toole, Esq. - DEF


G. Arthur Brennan
Justice, Superior Court