

STATE OF MAINE
YORK, SS.

SUPERIOR COURT
Civil Action
Docket No. AP-16-0023

MADDEN REALTY LLC,

Plaintiff/Appellee,

v.

ORDER

CHRISTOPHER A. BOISSE

Defendant/Appellant.

Madden Realty LLC brought a small claims action against Christopher A. Boisse to recover \$6,000 in damages arising out of an alleged breach of an exclusive real estate listing agreement. After final hearing in Biddeford on May 2, 2016, the District Court (*Foster, J.*) issued a judgment for Plaintiff in the amount of \$6,000 plus \$106.38 in costs. Judgment was entered on May 3, 2016.

On June 1, 2016 Mr. Boisse filed an appeal to this court. His notice of appeal indicates: (i) Appellant "does not request a jury trial de novo;" and (ii) "[n]o electronic or other recording of the proceedings being available, a statement in lieu of transcript will be prepared."

The party appealing a small claims judgment to Superior Court is responsible for complying with all rules governing appeals. M.R. Civ. P. 76F(a). Since there was neither a transcript nor electronic recording of the hearing, Appellant is responsible for preparing and filing a statement of the evidence and proceeding, which must be settled and approved by the judge who heard the trial. M.R. Civ.P. 76F(a), (c). *Manzo v. Reynolds*, 477 A.2d 732, 734 (Me. 1984). Appellant has not filed such a statement. This court has no basis for reviewing the judgment of the District Court and therefore must deny the appeal. *Manzo*, 477 A.2d at 734.

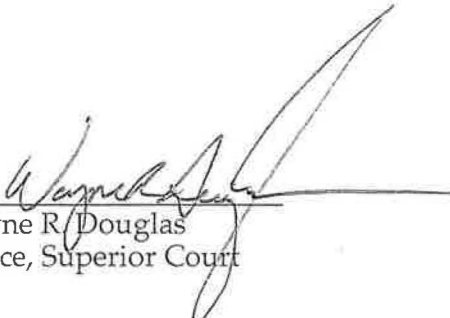
Accordingly, the entry shall be:

Appeal is DENIED. Judgment of the District Court is AFFIRMED.

The clerk may incorporate this order upon the docket by reference pursuant to Rule 79(a) of the Maine Rules of Civil Procedure.

SO ORDERED.

DATE: September 30, 2016



Wayne R. Douglas
Justice, Superior Court