

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
Docket No. AP-2019-31

SONIA BROOKS,

Appellee/Plaintiff,

v.

MICHAEL CONNELLY, as Trustee
of MADOLYN ROWE REALTY
TRUST,

Appellant/Defendant.

ORDER DISMISSING APPEAL

REC'D CUMB CLERKS OFC
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Before the Court is an appeal brought by Appellant/Defendant Michael Connelly, as trustee of Madolyn Rowe Realty Trust, from the judgment of the District Court (Portland, *Woodman, J.*) in this small claims action. The District Court rendered judgment in favor of Appellee/Plaintiff Sonia Brooks, who alleged that Appellant wrongfully withheld a portion of her security deposit. No claims were brought against Michael Connelly in his individual capacity. Although the Notice of Appeal was timely filed, it was signed only by Mr. Connelly.

Maine Rule of Civil Procedure 11 requires every pleading and motion to be signed by an attorney of record or, if a party is not represented by an attorney, by the party. An unsigned motion or pleading should not be accepted for filing and can have no legal effect. M.R. Civ. P. 11. This rule extends to pleadings that are signed by a person who does not have authority to represent a party in court. *See Haynes v. Jackson*, 2000 ME 11, ¶ 15, 744 A.2d 1050.

To the Court's knowledge, Mr. Connelly is not licensed to practice law in Maine. Trusts, like estates or corporations, are entities separate from the people who administer them, and must be represented by an attorney. *See State v. Simanonok*, 539 A.2d 211, 12-3

(Me. 1988); *Land Mgmt., Inc. v. Dep't of Env't Prot.*, 368 A.2d 602, 603-04 (Me. 1977); *Boutet v. Miller*, No. CV-00-698, 2001 Me. Super. LEXIS 34, at *3 (Mar. 8, 2001). Mr. Connelly, therefore, cannot represent Madolyn Rowe Realty Trust before the Court.

The appeal filed and signed by Mr. Connelly cannot be given any effect and should not have been accepted for filing. Accordingly, the appeal must be dismissed.

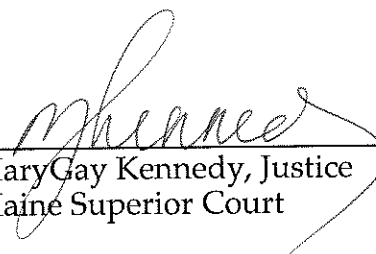
The entry is:

Appeal DISMISSED. Judgment of the District Court AFFIRMED.

The Clerk is directed to incorporate this Order into the docket by reference pursuant to Maine Rule of Civil Procedure 79(a).

Dated: _____

10/31/2022



MaryGay Kennedy, Justice
Maine Superior Court