

STATE OF MAINE
CUMBERLAND, ss

ALLEN BAUER et al,

Plaintiffs

vs.

TOWN OF GRAY,

Defendant

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-00-059
NM -CUM-1/4/2001

STATE OF MAINE
CUMBERLAND, SS
CLERK'S OFFICE

JAN 4 8 04 AM '01

DECISION AND ORDER

The plaintiffs appeal the 6/16/00 decision of the Town of Gray Zoning Board of Appeals (ZBA). The ZBA affirmed the Code Enforcement Officer's determination that the transfer of property between the plaintiffs was a sale and not a gift. See Exhibits C, F, & G.

The plaintiffs have failed to show that the evidence in the record compels a conclusion contrary to the one reached by the ZBA. See Two Lights Lobster Shack v. Town of Cape Elizabeth, 1998 ME 153, ¶ 5, 712 A.2d 1061, 1063. The ZBA relied on the Transfer Tax Declaration, sign and sworn to by plaintiff Bauer, and not the Warranty Deed in making its decision. See Exhibits A & B; Boivin v. Town of Sanford, 588 A.2d 1197, 1199 (Me. 1991); see also 30-A M.R.S.A. § 4401(4)(D) (1996); Hylar v. Town of Blue Hill, 570 A.2d 316, 317 (Me. 1990); Affidavit of Plaintiff Bauer, Exhibit G at 6-7.

The entry is

The Plaintiffs' Appeal is DENIED. The Decision of the Town of Gray Zoning Board of Appeals is AFFIRMED.

Date: January 1, 2001



Nancy Mills
Justice, Superior Court

Date Filed 07-30-00

CUMBERLAND
County

Docket No. AP 00-059

Action APPEAL 80(B)

ALLEN BAUER
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TOWN OF GRAY

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Date of
Entry