

DONALD PATTERSON et al.

v.

NORMAN FAUCHER et al.

Submitted on Briefs December 30, 2024

Decided January 7, 2025

Panel: STANFILL, C.J., and MEAD, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Donald Patterson and Daniel Boivin appeal from a judgment of the Superior Court (York County, *Martemucci, J.*) in which the court found in Patterson and Boivin's favor on their claim for a prescriptive easement over a road providing access to their property,¹ but also found that Patterson and Boivin failed to prove the existence of an easement by implication over that road. On appeal, Patterson and Boivin challenge the court's ruling on the easement by implication. We dismiss the appeal as moot because a prescriptive easement has been established in favor of the dominant Patterson and Boivin parcels over the road-occupied portions of the servient properties held by Norman Faucher, Jennifer Faucher, John L. Welch Jr., Peggy L. Welch, Olivia Welch, and Lazy Frog Campground, Inc., and no practical consequence or specific relief would flow from our review of whether the evidence also compelled a finding of an easement by implication.² *See Gay v. Dube*, 2012 ME

¹ The court also found an express easement in favor of Patterson's property over the road portion of the Fauchers' land.

² Even if we were to reach the merits of the appeal, however, the evidence did not compel a finding of an easement by implication because there was no evidence that "property when in single

30, ¶ 18, 39 A.3d 52; *Hardenbergh v. Patrons Oxford Ins. Co.*, 2013 ME 68, ¶ 11, 70 A.3d 1237; *Hughes Bros. v. A & M Contractors, Inc.*, 1999 ME 175, ¶ 2, 740 A.2d 996.

The entry is:

Appeal dismissed.

Brian R. Barrington, Esq., Somersworth, New Hampshire, for appellants Donald Patterson and Daniel Boivin

Thomas R. Miscio, Esq., Bergen & Parkinson, LLC, Saco, and Thomas Danylik, Esq., Woodman Edmands Danylik Austin Smith & Jacques, P.A., Biddeford, for appellees Norman Faucher et al.

York County Superior Court docket number RE-2022-05
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ownership was openly used in a manner constituting a ‘quasi-easement,’” an element necessary to establish the existence of an easement by implication. *Bowers v. Andrews*, 557 A.2d 606, 608 (Me. 1989).