

MICHAEL BOYINGTON et al.

v.

FREDERICK BOYCE et al.

Submitted on Briefs February 25, 2000
Decided March 10, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Michael and Nancy Boyington appeal from the judgment of the Superior Court (Hancock County, *Mead, C.J.*) affirming the judgment of the District Court (Ellsworth, *Brodrick, A.R.J.*) in this boundary dispute. Contrary to Boyingtons's contention, the evidence did not compel a finding that the location of the boundary line on the face of the earth was the "Lobley Line" as shown on the Sage Collins' survey instead of the "Old Blazed Line." *See Coombs v. Grindle*, 1998 ME 230, ¶ 7, 718 A.2d 1107, 1108. Furthermore, by failing to make any objection to the Boyces's request for an assessment of attorney fees in the Superior Court, the Boyingtons failed to preserve that issue for appeal. *See* 14 M.R.S.A. § 1502-D (Supp. 1999); *Cyr v. Cyr*, 432 A.2d 793, 797 (Me. 1981).

The entry is:

Judgment affirmed.

Attorney for plaintiffs:

Frank B. Walker, Esq.
P O Box 29
Ellsworth, ME 04605

Attorney for defendant:

William S. Kelly, Esq.
Kelly & Burke, LLC
Belfast, ME 04915