

DOROTHY WALLINGFORD

v.

SHARON KENNEDY et al.

Submitted on Briefs July 22, 2002
Decided August 7, 2002

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

MEMORANDUM OF DECISION

Sharon Kennedy, Robert Foss, and Land Tree Corp. appeal from a judgment entered in the Superior Court (Androscoggin County, *Studstrup, J.*) finding them jointly and severally liable to Dorothy Wallingford for \$25,000 in damages resulting from the wrongful cutting of trees on her property. Contrary to their contentions, Ivan Wallingford, as the owner of the damaged land, was competent to testify about its value, *Glidden v. Belden*, 684 A.2d 1306, 1320 (Me. 1996); and the damages award was supported by competent evidence in the record, *James v. MacDonald*, 1998 ME 148, ¶ 11, 712 A.2d 1054, 1058-59.

Wallingford cross-appeals from the judgment. Contrary to her contentions,

the court applied the proper version of 14 M.R.S.A. § 7552, *Greenvall v. Maine Mut. Fire Ins. Co.*, 2001 ME 180, ¶ 8, 788 A.2d 165, 167; and the court did not err when it found that the cutting was not done willfully or knowingly, *Glidden*, 684 A.2d at 1319.

The entry is:

Judgment affirmed.

Attorneys for the plaintiff:

Michael K. Martin, Esq.
Bruce A. McGlauflin, Esq.
Petrucelli, Martin & Haddow
P.O. Box 17555
Portland, Maine 04112

Attorney for the defendants:

Theodore H. Kurtz, Esq.
Kurtz & Perry
9 Market Square
South Paris, Maine 04281