

MERLE C. ASHEY

v.

MARGARET A. ROBINSON

Submitted on Briefs February 11, 2002  
Decided February 15, 2002

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

#### MEMORANDUM OF DECISION

Merle C. Ashey appeals from a judgment entered in the Superior Court (Hancock County, *Mead, C.J.*) denying her request for rescission of the agreement by virtue of which she conveyed real property in Hancock County to her daughter, Margaret A. Robinson. Contrary to Mrs. Ashey's contentions, "[r]escission is an equitable remedy which is available only on 'justifiable' grounds and only if the purchaser affects or seeks rescission within a reasonable time of the conveyance." *See Mott v. Lombard*, 655 A.2d 362, 365 (Me. 1995). The court's conclusion that the conveyance of property was not the result of undue influence is supported by the record and, therefore, is not clearly erroneous. *See Sylvester v. Benjamin*, 2001 ME 48, ¶¶ 6, 9, 767 A.2d 297, 299-300.

The entry is:

Judgment affirmed.

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