

SUPREME JUDICIAL COURT OF MAINE

Richard Tranfield et al. v. Patricia Arcuni-English

Tranfield, 2019 ME 135 (Supreme Judicial Court of Maine 2019) · No. Kno-18-340 · Decided August 15, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed a Superior Court judgment holding that Patricia Arcuni-English's planting of trees along a property boundary constituted a spite fence and private nuisance under Maine's spite fence statute. The court concluded that the Tranfields proved that malice was the dominant motive and that the trees unnecessarily exceeded six feet in height. The court upheld the limited removal and trimming remedy ordered by the trial court.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Saufley, C.J.; Alexander, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	August 15, 2019
DOCKET	Kno-18-340
DISPOSITION	affirmed
PROCEDURAL POSTURE	Patricia Arcuni-English appealed from a Superior Court judgment entered after a bench trial in favor of Richard Tranfield and Karla Doremus-Tranfield on their statutory and common-law nuisance claims arising from the planting of trees along the parties' boundary.
STANDARD OF REVIEW	The court reviews factual findings for clear error and the trial court's application of law to those facts de novo. Findings supported by competent evidence are upheld even if the evidence could support alternative findings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Patricia Arcuni-English v. Richard Tranfield, Karla Doremus-Tranfield

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QUESTIONS PRESENTED

1. Whether the trial court clearly erred in finding that Arcuni-English's dominant motive in planting the trees was malicious.
2. Whether the trial court clearly erred in finding that the trees unnecessarily exceeded six feet in height under Maine's spite-fence statute.
3. Whether the tree plantings constituted a private nuisance under 17 M.R.S. § 2801.
4. Whether the trial court's remedy requiring removal or trimming of specified trees was appropriate.

HOLDINGS

1. The plaintiffs bear the burden of proving each element of a claim under Maine's spite-fence statute by a preponderance of the evidence, including that the structure unnecessarily exceeded six feet in height and was maliciously maintained for the purpose of annoying adjoining property owners.
2. Malice need not be the sole motive for constructing or maintaining a spite fence; it is sufficient that malice, meaning a purpose to annoy, was the dominant motive such that without the malicious motive the fence would not have been erected or maintained.
3. The trial court did not clearly err in finding that Arcuni-English's dominant motive was malicious.
4. The trial court did not clearly err in finding that the trees unnecessarily exceeded six feet in height.
5. The installation of more than thirty trees creating a dense and continuous wall, when undertaken with a dominant malicious motive and unnecessarily exceeding six feet, constituted a spite fence under section 2801. The trial court's limited removal and trimming remedy was fair and appropriate.

KEY QUOTATIONS

“For purposes of the [spite fence] statute, a plaintiff need not prove that malice, the purpose to annoy, was the sole motive for building the fence. The plaintiff need only prove that such was the dominant motive, meaning that without that malicious motive, the fence would not have been erected or maintained.” (¶ 9)

“In summary, the court did not err by determining that Arcuni-English’s installation of trees on the parties’ boundary line constituted a spite fence pursuant to section 2801 because her installation of more than thirty trees, which created a dense and continuous wall, was done with malice.” (¶ 13)

FACTUAL BACKGROUND

The Tranfields purchased property uphill from Arcuni-English's property, which initially had a slot view of the ocean across Arcuni-English's land. After contentious interactions, including a dispute over firewood and the Tranfields' clearing of deadwood and debris near the boundary, Arcuni-English told Mr. Tranfield that she would erect a ten-foot fence to block the Tranfields' view. While Arcuni-English was traveling, a landscaper planted approximately twenty-four ten-to-twelve-foot arborvitaes and seven four-to-six-foot pine trees along the

boundary to restore privacy, creating a dense and continuous green barrier. The trial court found that malice was the dominant motive and that the plantings unnecessarily exceeded six feet in height.

PROCEDURAL HISTORY

The Tranfields filed a complaint in the Knox County Superior Court alleging that Arcuni-English's tree plantings constituted a nuisance under Maine's spite-fence statute and common law, seeking damages and injunctive relief. After a bench trial, the Superior Court entered judgment for the Tranfields and ordered Arcuni-English to remove or trim specified trees. Arcuni-English timely appealed, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Rice v. Cook, 2015 ME 49, ¶ 3, 115 A.3d 86
- Peters v. O'Leary, 2011 ME 106, ¶¶ 15-18, 30 A.3d 825
- Ma v. Bryan, 2010 ME 55, ¶ 6, 997 A.2d 755
- State v. Gagne, 2019 ME 7, ¶ 30, 199 A.3d 1179
- Healey v. Spaulding, 104 Me. 122, 125, 71 A. 472, 473 (1908)
- Lord v. Langdon, 91 Me. 221, 222, 39 A. 552, 552 (1898)
- Obolensky v. Trombley, 2015 VT 34, ¶ 30, 115 A.3d 1016
- Handrahan v. Malenko, 2011 ME 15, ¶ 14, 12 A.3d 79
- Tuttle v. Raymond, 494 A.2d 1353, 1361 (Me. 1985)
- Preston v. Tracy, 2008 ME 34, ¶ 10, 942 A.2d 718
- State v. Jeskey, 2016 ME 134, ¶ 32, 146 A.3d 127