

STATE OF MAINE

**SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

Law Court Docket No. PEN-26-137

LUCAS D. NASH,

Petitioner/Appellant,

vs.

THE HEIRS OF EDWARD E. OXLEY, namely JOSHUA E.
OXLEY, STEPHEN E. OXLEY, and KIRK SMALL JR.

Respondents/Appellees

REPLY BRIEF OF APPELLANT LUCAS D. NASH

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INTRODUCTION

The Appellee's brief confirms that the Superior Court dismissed this case by resolving disputed factual issues rather than determining whether the Complaint stated a plausible claim for relief. At the pleading stage, Appellant was not required to prove that Stephen Oxley inherited the mortgage or presently owns the mortgage interest. The Complaint needs only allege facts showing that Appellant is entitled to relief under a cognizable legal theory.

The Complaint alleges that Edward E. Oxley became the mortgage holder by assignment, that he is deceased, and that Stephen Oxley is among those who may claim an interest through Edward Oxley but refused to execute a discharge after demand. Those allegations establish a present controversy appropriate for declaratory and quiet title relief.

The Appellee's remaining arguments either rely upon facts outside the pleadings or concern the merits of the dispute rather than the sufficiency of the Complaint. None supports dismissal under Rule 12(b)(6).

ARGUMENT

I. The Appellee Continues to Apply the Wrong Pleading Standard.

The Appellee insists that the Complaint failed because it did not affirmatively establish that Stephen Oxley inherited ownership of the mortgage. That argument misstates Maine's notice pleading standard. A complaint need not

prove each disputed fact. Rather, it need only contain allegations that, if accepted as true, entitle the plaintiff to relief under some recognized legal theory. Whether Stephen Oxley ultimately inherited the mortgage, whether another successor possesses the interest, and whether probate transferred the mortgage are factual questions that cannot be resolved on a motion to dismiss.

The Appellee repeatedly argues that Appellant failed to identify the present owner of the mortgage. Yet identifying the current owner is the kind of uncertainty that gives rise to this declaratory judgment and quiet title action. If ownership of record were already established, there would be no need for judicial relief.

The Superior Court therefore erred by requiring Appellant to plead facts that can reasonably be expected to emerge only through discovery.

II. Declaratory Judgment and Quiet Title Actions Do Not Require Proof of Contractual Privity.

The Appellee continues to argue that there is no controversy because no contract exists between Appellant and Stephen Oxley. Neither the Declaratory Judgments Act nor Maine's quiet title statute imposes such a requirement. The controversy concerns the continuing legal effect of a recorded mortgage that clouds Appellant's title. The dispute is not contractual, but it concerns competing or potential claims arising from an instrument affecting real property. The Complaint alleges that Stephen Oxley is an heir of Edward E. Oxley, the last record owner of the mortgage interest, and that he refused Appellant's request to execute a

discharge. Those allegations sufficiently connect Stephen Oxley to the controversy for pleading purposes.

Whether Stephen Oxley possesses authority to execute a discharge is a question for factual development. It is not a basis for dismissal before discovery.

III. The Statute of Limitations Argument Does Not Support Affirmance.

The Appellee next argues that Appellant's claims are barred by 18-C M.R.S. § 3-803 because Edward Oxley's estate closed years before this action commenced. This argument fails for several reasons.

First, the Superior Court did not dismiss the Complaint on this basis. The Appellee therefore asks this Court to affirm based upon factual matters outside the Complaint.

Second, the Complaint does not assert a creditor's claim against Edward Oxley's estate. Instead, it seeks prospective declaratory and quiet title relief concerning the present effect of an unreleased mortgage that continues to cloud Appellant's title. The injury alleged is ongoing. Each day that the mortgage remains unreleased, Appellant's title remains impaired.

Third, the Appellee's argument depends upon probate records and factual matters not alleged in the Complaint. Whether judicial notice may be taken of those records, whether the mortgage passed through probate, and whether any

probate limitation applies are issues that cannot properly be resolved on the face of the pleadings.

Accordingly, the statute of limitations argument provides no basis to affirm dismissal.

IV. Section 551 Does Not Require Dismissal of Entire Action.

Even assuming that Stephen Oxley ultimately cannot be held liable under 33 M.R.S. § 551, dismissal of Count III (Recovery of Costs and Attorney's Fees) would not justify dismissal of Count I (Declaratory Judgment) and Count II (Quiet Title). The declaratory judgment and quiet title claims exist independently of any statutory damages available under § 551. Those equitable claims seek determination of ownership interests affecting title to real property and therefore survive regardless of the ultimate disposition of Count III. The Appellee's analysis improperly conflates the statutory remedy with the underlying property dispute.

CONCLUSION

For the foregoing reasons, Plaintiff/Appellant Lucas D. Nash respectfully requests that this Court vacate the Superior Court's Judgment and remand the case to the Superior Court for further proceeding consistent with this Court's opinion.

Dated at Portland, Maine, this 9th day of July, 2026.

/s/ Dawn D. Dyer

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CERTIFICATE OF SERVICE

I hereby certify that on this date, 9th day of July , 2026, I sent a copy of the foregoing Reply Brief of Appellant to all parties to this appeal via electronic mail.

/s/ Dawn D. Dyer

Dawn D. Dyer, Bar No. 4691