

UNITED STATES DISTRICT COURT
DISTRICT OF MAINEU.S. Bank Trust, N.A., as Trustee for LSF9
Master Participation Trust

Plaintiff

v.

Caroline P. Morgan

Defendant

SW Linear Investment Group, LLC
Capital One Bank (USA) N.A.
Mortgage Electronic Registration Systems
Inc. as nominee for GMAC Mortgage
Corporation
Asset Management Holdings, LLC

Parties-In-Interest

1:19-cv-00177-LEW

JUDGMENT OF FORECLOSURE AND SALE**Address: 633 Corea Road, Corea, ME 04624**
Mortgage: May 6, 2004, Book: 3914, Page:271

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on October 17, 2019. Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, was present and represented by John A. Doonan, Esq. Defendant, Caroline P. Morgan, did not appear; Parties-In-Interest, Mortgage Electronic Registration Systems Inc. as nominee for GMAC Mortgage Corporation, Asset Management Holdings, LLC, SW Linear Investment Group, LLC and Capital One Bank (USA) N.A. did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendant or her heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank') the amount adjudged due and owing (\$112,339.64) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.S. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

<u>Description</u>	<u>Amount</u>
Unpaid Principal Balance	\$67,587.72
Interest	\$19,228.11
Escrow Balance	\$10,160.74
FCL Certified Mailing Costs	\$47.20
FCL Court Costs	\$479.00
FCL Title Fees	\$402.00
PP- Debris Remove I/E	\$400.00
HUD Allow	
PP- Health Hazard Removal I/E	\$375.00
PP- Health Hazard Removal/ Mold	\$5,203.25
PP- Inspection Exterior	\$180.00
PP- Interior Inspection	\$621.67
PP- Lawn Care - 1/2 Acre Initial	\$145.00
PP- Lock Change	\$180.00

PP- Lock Change Padlock	\$160.00
PP- MISC Exterminate	\$100.00
PP- MISC Snow Removal	\$500.00
PP- MISC Cap Exposed	\$100.00
Wire	
PP- MISC Removed	\$25.00
Animal	
PP- Pump Basement	\$250.00
PP- Repair - Emergency	\$1,909.00
Repairs	
PP- Roof Work - Tarped	\$2,800.00
Roof	
PP- Securing OTHER	\$325.00
PP- Utilities Electric	\$235.48
PP-	\$250.00
Winterize/Dewinterize	
PP- Winterize OTHER	\$100.00
PP- Utilities	\$7.54
VAL Brokers Price	\$166.50
Opinion	
Late Charge	\$403.32
Less Unapplied Funds	\$-1.89
Grand Total	\$112,339.64

2. If the Defendant or her heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$112,339.64) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, her remaining rights to possession of the Corea Property shall terminate, U.S. Bank shall conduct a public sale of the Corea Property in accordance with 14 M.R.S. § 6323, disbursing the proceeds first to itself in the amount of \$112,339.64 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency at trial.

3. Pursuant to 14 M.R.S. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$112,339.64, as of October 17, 2019.
5. The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust has first priority, in the amount of \$112,339.64, pursuant to the subject Note and Mortgage.
 - Mortgage Electronic Registration Systems Inc. as nominee for GMAC Mortgage Corporation, who has been defaulted.
 - Asset Management Holdings, LLC, who has been defaulted.
 - SW Linear Investment Group, LLC, who has been defaulted.
 - Capital One Bank (USA) N.A, who has been defaulted.
 - Caroline P. Morgan who has been defaulted
6. The prejudgment interest rate is 3.12500%, *see* 14 M.R.S.A § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S. §1602-C.
7. This will confirm that the Deed in Lieu given in violation of the subject mortgage to SW Linear Investment Group, LLC, dated January 24, 2014, and recorded in the Hancock County Registry of Deeds in Book 6181, Page 142, is hereby void.
8. The following information is included in this Judgment pursuant to 14 M.R.S. § 2401(3):

PARTIES

COUNSEL

U.S. Bank Trust, N.A., as Trustee for
LSF9 Master Participation Trust

John A. Doonan, Esq.
Reneau J. Longoria, Esq.
Doonan, Graves & Longoria, LLC
100 Cummings Center, Suite 225D
Beverly, MA 01915

Caroline P. Morgan
503 Benton Avenue, Apt. 406
Winslow, ME 04901

NA

Mortgage Electronic Registration
Services, Inc., as nominee for GMAC
Mortgage Corporation
1818 Library St., Suite 300
Reston, VA 20190

NA

Asset Management Holdings, LLC
100 Paramount Drive, Suite 205
Sarasota, FL 34232

NA

SW Linear Investment Group, LLC
1970 Main St., Suite 201
Sarasota, FL 34236

NA

Capital One Bank (USA) N.A.
100 Shockoe Slip, 2nd Floor
Richmond, VA 23219

NA

- a) The docket number of this case is No. 1:19-cv-00177-LEW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 633 Corea Road, Corea, ME 04624, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 633 Corea Road, Corea, ME

04624. The Mortgage was executed by the Defendant on May 6, 2004. The book and page number of the Mortgage in the Hancock County Registry of Deeds is Book 3914, Page 271.

- e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an in rem judgment against the property, 633 Corea Road, Corea, ME 04624.

SO ORDERED.

Dated this 17th day of October, 2019.

/s/ Lance E. Walker
U.S. District Judge