

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**Towd Point Mortgage Trust 2019-3, U.S.  
Bank National Association, as Indenture  
Trustee**

**Plaintiff**

vs.

**Charlene Hoyt, Personal Representative of  
the Estate of Oliver E. Gerry, Jr.**

**Defendant**

**Beaver Cove Association**

**Party-In-Interest**

**CIVIL ACTION NO: 1:24-cv-00073-LEW**

**CONSENT JUDGMENT OF  
FORECLOSURE AND SALE**

**RE:**

**17 West Birch Lane, Beaver Cove, ME 04441**

**Mortgage:**

**January 26, 2007**

**Book 1821, Page 75**

Now comes the Plaintiff, Towd Point Mortgage Trust 2019-3, U.S. Bank National Association, as Indenture Trustee, the Defendant, Charlene Hoyt, Personal Representative of the Estate of Oliver E. Gerry, Jr., and Party-in-Interest, Beaver Cove Association, hereby submit this Consent Judgment of Foreclosure and Sale.

**JUDGMENT** on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

- . If the Defendant or his/her heirs or assigns pay Towd Point Mortgage Trust 2019-3, U.S. Bank National Association, as Indenture Trustee (“TPMT”) the amount adjudged due and owing (\$189,181.56) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A § 6322, TPMT 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:

Description	Amount
Principal Balance	\$172,198.43
Interest	\$11,070.68
Unpaid Late Charges	\$66.33
Escrow/Impound Advance Balance	\$3,915.74
Loan Level Advance Balance	\$1,930.38
Grand Total	\$189,181.56

1. If the Defendant or his/her heirs or assigns do not pay 'TPMT' the amount adjudged due and owing (\$189,181.56) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his/her remaining rights to possession of the Beaver Cove Property shall terminate, and 'TPMT' shall conduct a public sale of the Beaver Cove Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$189,181.56 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 4 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. 'TPMT' may not seek a deficiency judgment against the Defendant due to Defendant's lack of personal liability in this matter.
2. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, 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.
3. The amount due and owing is \$189,181.56 and the mortgage loan is in default, as a result of the Defendant, Charlene Hoyt, Personal Representative of the Estate of Oliver E. Gerry, Jr., having failed to comply with the terms of the Note, the object of this litigation, is in breach of both the Note and Mortgage. Defendant, Charlene Hoyt, Personal Representative of the Estate of Oliver E. Gerry, Jr. is not personally liable, and accordingly this action does not seek personal liability on the part of the Defendant, and

this judgment shall act solely as an *in rem* judgment against the property.

4. The priority of interests is as follows:
  - Towd Point Mortgage Trust 2019-3, U.S. Bank National Association, as Indenture Trustee has first priority, in the amount of \$189,181.56, pursuant to the subject Note and Mortgage.
  - Beaver Cove Association has the second and third priority behind the Plaintiff pursuant to a Lien, dated September 3, 2010, in the amount of \$225.00, and recorded in the Piscataquis County Registry of Deeds in Book 2069, Page 9 and a Lien dated September 2, 2022, in the amount of \$712.00, and recorded in the Piscataquis County Registry of Deeds in Book 2872, Page 120.
  - Charlene Hoyt, Personal Representative of the Estate of Gerry E. Oliver, Jr. has the fourth priority behind the Plaintiff.
5. The prejudgment interest rate is 4.25000%, *see* 14 M.R.S.A. § 1602-B, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate interest rate is 10.55%, pursuant to 14 M.R.S.A. § 1602-C. (The one-year United States Treasury bill rate is the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last full week of the calendar year immediately prior to the year in the which post-judgment interest begins to accrue – December 2023, 4.55%, plus 6% for a total post-judgment interest rate of 10.55%).
6. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Towd Point Mortgage Trust 2019-3, U.S. Bank National Association, as Indenture Trustee 3217 S. Decker Lake Drive Salt Lake City, UT 84119	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Charlene Hoyt, Personal Representative of the Estate of Oliver E. Gerry, Jr. 11 Norton Road Kittery, ME 03904	Pro Se
PARTIES-IN-INTEREST	Beaver Cove Association c/o Gail Babbitt 32 Coveside Rd., Unit 4, Beaver Cove, ME 04441	Richard W. McCarthy, Jr., Esq. Law Office of Richard McCarthy 77 Pritham Avenue P.O. Box 1437 Greenville, ME 04441

- a) The docket number of this case is No. 1:24-cv-00073-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, 17 West Birch Lane, Beaver Cove, ME 04441, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 17 West Birch Lane, Beaver Cove, ME 04441. The Mortgage was executed by Oliver E. Gerry, Jr. on January 26, 2007. The book and page number of the Mortgage in the Piscataquis County Registry of Deeds is Book 1821, Page 75.
- e) The Defendant, Charlene Hoyt, Personal Representative of the Estate of Oliver E. Gerry, Jr. having failed to comply with the terms of the Note, the object of this

litigation, is in breach of both the Note and Mortgage. Defendant, Charlene Hoyt, Personal Representative of the Estate of Oliver E. Gerry, Jr. is not personally liable, and accordingly this action does not seek personal liability on the part of the Defendant, and this judgment shall act solely as an *in rem* judgment against the property.

- f) 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, 17 West Birch Lane, Beaver Cove, ME 04441.

SO ORDERED.

Dated this 3rd day of July, 2024.

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

Dated: May 24, 2024

/s/Charlene Hoyt  
Charlene Hoyt, Personal Representative of  
the Estate of Oliver E. Gerry, Jr.  
11 Norton Road  
Kittery, ME 03904

Dated: June 6, 2024

/s/Reneau J. Longoria, Esq.  
Reneau J. Longoria, Esq. Bar No. 005746  
Attorney for Plaintiff  
Doonan, Graves & Longoria, LLC  
100 Cummings Center, Suite 303C  
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Dated: June 21, 2024

/s/Richard W. McCarthy, Jr., Esq.  
Richard W. McCarthy, Jr., Esq., as  
counsel for Party-in-Interest, Beaver  
Cove Association  
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