

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MTGLQ Investors, LP

Plaintiff

vs.

**Stephanie L. McQuade and Donald H.
McQuade Jr.**

Defendants

CIVIL ACTION NO: 2:16-CV-00479-GZS

RE:

20 Brandywine Circle, Auburn, ME 04210

Mortgage:

October 21, 2005

Book 6548, Page 136

JUDGMENT OF FORECLOSURE AND SALE

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on September 6, 2017. Plaintiff, MTGLQ Investors, LP, was present and represented by John A. Doonan, Esq. Defendants Stephanie L. McQuade and Donald H. McQuade Jr., did not appear. Fourteen (14) exhibits were introduced into evidence. Jennifer Ogle testified.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment (ECF No. 11) 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 Defendants or their heirs or assigns pay MTGLQ Investors, LP (“MTGLQ”) the amount adjudged due and owing (\$377,900.27) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, MTGLQ shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket.
2. If the Defendants or their heirs or assigns do not pay MTGLQ the amount adjudged due

and owing (\$377,900.27) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Auburn Property shall terminate, and MTGLQ shall conduct a public sale of the Auburn Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$377,900.27 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.A. § 6324.

3. Pursuant to 14 M.R.S.A. § 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 \$377,900.27.
5. The priority of interests is as follows:
 - a) MTGLQ Investors, LP has first priority pursuant to the subject Note and Mortgage.
 - b) Stephanie L. McQuade and Donald H. McQuade Jr. have the second priority behind the Plaintiff.
6. No public utility easements survive the foreclosure.
7. The prejudgment interest rate is 6.00%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 6.65%, *see* 14 M.R.S.A. § 1602-C.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	MTGLQ Investors, LP	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915

DEFENDANT

Donald H. McQuade Jr. Pro Se
21423 County Road 455
Clermont, FL 34711

Stephanie L. McQuade Pro Se
20 Brandywine Circle
Auburn, ME 04210

- a) The docket number of this case is No. 2:16-CV-00479-GZS.
- 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, 20 Brandywine Circle, Auburn, ME 04210, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 20 Brandywine Circle, Auburn, ME 04210. The Mortgage was executed by the Defendants on October 21, 2005. The book and page number of the Mortgage in the Androscoggin County Registry of Deeds is Book 6548, Page 136.
- e) **This judgment shall not create any personal liability on the part of the Defendants, but shall act solely as an in rem judgment against the property, 20 Brandywine Circle, Auburn, Maine 04210.**

SO ORDERED.

Dated this 12th day of September, 2017.

/s/ George Z. Singal
George Z. Singal
U.S. District Judge