

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

Nationstar Mortgage LLC

Plaintiff

vs.

**Sandra Fitzgerald and Thomas R.
Fitzgerald**

Defendants

CIVIL ACTION NO: 2:16-cv-00632-GZS

RE:

360 Holmes Road, Scarborough, ME 04074

Mortgage:

March 11, 1998

Book 13667, Page 084

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, Nationstar Mortgage LLC, was present and represented by John A. Doonan, Esq. Defendants Sandra Fitzgerald and Thomas R. Fitzgerald did not appear. Twelve (12) exhibits were introduced into evidence. Marc Berninger 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. 14) 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 Nationstar Mortgage LLC (“Nationstar”) the amount adjudged due and owing (\$152,860.89) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Nationstar 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 Nationstar the amount adjudged due and owing (\$152,860.89) 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 Scarborough Property shall terminate, and Nationstar shall conduct a public sale of the Scarborough Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$152,860.89 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 \$152,860.89.
5. The priority of interests is as follows:
 - a) Nationstar Mortgage LLC has first priority pursuant to the subject Note and Mortgage.
 - b) Sandra Fitzgerald and Thomas R. Fitzgerald have the second priority behind the Plaintiff.
6. No public utility easements survive the foreclosure.
7. The prejudgment interest rate is 7.375%, *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 | Nationstar Mortgage LLC | John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915 |

DEFENDANT

Sandra Fitzgerald Pro Se
360 Holmes Road
Scarborough, ME 04074

Thomas R. Fitzgerald Pro Se
360 Holmes Road
Scarborough, ME 04074

- a) The docket number of this case is No. 2:16-cv-00632-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, 360 Holmes Road, Scarborough, ME 04074, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 360 Holmes Road, Scarborough, ME 04074. The Mortgage was executed by the Defendants on March 11, 1998. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 13667, Page 084.
- 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, 360 Holmes Road, Scarborough, Maine 04074.**

SO ORDERED.

Dated this 12th day of September, 2017.

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