

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NATIONSTAR MORTGAGE LLC,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 2:16-cv-632-GZS
)	
SANDRA FITZGERALD &)	
THOMAS R. FITZGERALD,)	
)	
)	
Defendants.)	

ORDER ON PLAINTIFF’S MOTION TO VACATE

Before the Court is Plaintiff’s Motion to Vacate (ECF NO. 25), which seeks to vacate the Judgment of Foreclosure and Sale entered on September 12, 2017 (ECF No. 20), pursuant to 14 M.R.S.A. § 6323. Plaintiff has elected to waive the foreclosure judgment pursuant to 14 M.R.S.A. § 6323(1), which states in part: “[t]he mortgagee, in its sole discretion, may allow the mortgagor to redeem or reinstate the loan after the expiration of the period of redemption but before the public sale. The mortgagee may convey the property to the mortgagor or execute a waiver of foreclosure, and all other rights of all other parties remain as if no foreclosure had been commenced.”

Having elected to waive the foreclosure judgment, Plaintiff’s Motion to Vacate is GRANTED. The Judgment of Foreclosure and Sale (ECF No. 20) is hereby VACATED. Pursuant to Federal Rule of Civil Procedure 41(a)(2)&(d), Plaintiff’s Complaint is hereby DISMISSED without prejudice and without costs to all parties. Plaintiff is hereby ORDERED to serve a copy of this Order on Defendants by U.S. Mail.

SO ORDERED.

/s/ George Z. Singal

United States District Judge

Dated this 12th day of February, 2018.