

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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

Plaintiff

vs.

Jonathan Menezes a/k/a Jonathan Menezes,
Sr. and Shonda Menezes a/k/a Shanda
Menezes f/k/a Shonda Boucher

Defendants

Mortgage Electronic Registrations Systems,
Inc. as nominee for Homecomings
Financial Network, inc.
FIA Card Services, N.A.

Parties-In-Interest

CIVIL ACTION NO: 2:17-cv-00066

RE:

96 Victoria Drive, Westbrook, ME 04092

Mortgage:
May 24, 2006
Book 24049, Page 64

CONSENT JUDGMENT OF FORECLOSURE AND SALE

Now comes the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, and the Defendants, Jonathan Menezes a/k/a Jonathan Menezes, Sr. and Shonda Menezes a/k/a Shanda Menezes f/k/a Shonda Boucher and Party-In-Interest Mortgage Electronic Registrations Systems, Inc. as nominee for Homecomings Financial Network, inc., and Party-In-Interest FIA Card Services, N.A., and hereby submits this Consent Judgment of Foreclosure and Sale.

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 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (“U.S. Bank”) the amount adjudged due and owing (\$539,726.86 as of January 6, 2017) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322.

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$539,726.86 as of January 6, 2017) 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 Westbrook Property shall terminate, U.S. Bank shall conduct a public sale of the Westbrook Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$539,726.86, 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 \$539,726.86.
5. The priority of interests is as follows:
 - a) U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust has first priority, in the amount of \$539,726.86 as of January 6, 2017 pursuant to the subject Note and Mortgage.
 - b) Mortgage Electronic Registrations Systems, Inc. as nominee for Homecomings Financial Network, inc. has the second priority behind the Plaintiff pursuant to an Open-End Mortgage dated May 24, 2006, in the amount of \$37,000.00, and recorded in the Cumberland County Registry of Deeds in Book 24049, page 82.
 - c) FIA Card Services, N.A. has the third priority behind the Plaintiff pursuant to a Writ of Execution dated November 5, 2010, in the amount of \$8,577.89, and recorded in the Cumberland County Registry of Deeds in Book 28313, page 199.
 - c) Jonathan Menezes a/k/a Jonathan Menezes, Sr. and Shonda Menezes a/k/a Shanda Menezes f/k/a Shonda Boucher have the fourth priority behind the Plaintiff.
6. No public utility easements survive the foreclosure.
7. The prejudgment interest rate is 6.87500%, *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	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
DEFENDANT		
	Jonathan Menezes a/k/a Jonathan Menezes, Sr. 96 Victoria Drive Westbrook, ME 04092	Pro Se
	Shonda Menezes a/k/a Shanda Menezes f/k/a Shonda Boucher 75 Anderson Road Windham, ME 04062	Pro Se
PARTIES-IN-INTEREST		
	FIA Card Services, N.A. 1100 North King Street Wilmington, DE 19801	Defaulted
	Mortgage Electronic Registrations Systems, Inc. as nominee for Homecomings Financial Network, inc. 1818 Library Street, Suite 300 Reston, VA 20190	Defaulted

- a) The docket number of this case is No. 2:17-cv-00066.
- 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, 96 Victoria Drive, Westbrook, ME 04092, is

set forth in Exhibit A to the Judgment herein.

- d) The street address of the real estate involved is 96 Victoria Drive, Westbrook, ME 04092. The Mortgage was executed by the Defendants on May 24, 2006. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 24049, Page 64.
- 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, 96 Victoria Drive, Westbrook, ME 04092.
- f) Plaintiff specifically agrees to waive any deficiency which may be associated with this loan and this judgment shall not establish any personal liability of the Defendants for the debt secured by the mortgage but shall operate only as to the real estate described in the mortgage, this waiver of deficiency is permanently binding upon the parties even if this judgment is later waived by the Plaintiff. Plaintiff expressly and forever waives any right to seek any deficiency judgment against either Defendant as otherwise might be permitted under 14 M.R.S. §6324.

Dated: May 14, 2018

John A. Doonan, Esq., Bar No. 3250
Reneau J. Longoria, Esq., Bar No. 5746
Doonan, Graves & Longoria, LLC
100 Cummings Center
Suite 225D
Beverly, MA 01915

Dated May 7, 2018

/s/Jonathan Menezes
Jonathan Menezes a/k/a Jonathan Menezes, Sr.
96 Victoria Drive
Westbrook, ME 04092

/s/ Shonda Menezes
Shonda Menezes a/k/a Shanda Menezes f/k/a
Shonda Boucher
75 Anderson Road
Windham, ME 04062

SO ORDERED.

Date: June 5, 2018

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