

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CIVIL ACTION NO: 2:18-cv-00189-GZS

U.S. Bank Trust, N.A., as Trustee for LSF10
Master Participation Trust
Plaintiff

vs.

Joanne T. O`Loughlin and James F.
O`Loughlin III

Defendants

Household Finance Corporation II
Party-In-Interest

RE:

53 Buttonwood Road, South Berwick, ME
03908

Mortgage:

October 18, 2005

Book 14641, Page 793

CONSENT JUDGMENT OF FORECLOSURE AND SALE

Now comes the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, and the Defendants, Joanne T. O`Loughlin and James F. O`Loughlin III and Party-In-Interest Household Finance Corporation II, 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 LSF10 Master Participation Trust (“U.S. Bank”) the amount adjudged due and owing (\$356,832.89) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank 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 U.S. Bank the amount adjudged due and owing (\$356,832.89) 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 South Berwick Property shall terminate, U.S. Bank shall conduct a public sale of the South Berwick Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$356,832.89 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 \$356,832.89.
5. The priority of interests is as follows:
 - a) U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust has first priority, in the amount of \$356,832.89, pursuant to the subject Note and Mortgage.
 - b) Household Finance Corporation II has the second priority behind the Plaintiff pursuant to a Mortgage dated March 13, 2007, in the amount of \$11,000.00, and recorded in the York County Registry of Deeds in Book 15112, page 964.
 - c) Joanne T. O'Loughlin and James F. O'Loughlin III have the third priority behind the Plaintiff.
6. No public utility easements survive the foreclosure.
7. The prejudgment interest rate is 7.93000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 7.76%, *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 LSF10 Master Participation Trust	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANTS	James F. O'Loughlin III 36 Prospect Street, Apt. 1 Somersworth, NH 03878 Joanne T. O'Loughlin 36 Prospect Street, Apt. 1 Somersworth, NH 03878	

PARTY-IN-INTEREST

Household Finance Corporation II
c/o Ct Corporation System
128 State S #3
Augusta, ME 04330

- a) The docket number of this case is No. 2:18-cv-00189-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, 53 Buttonwood Road, South Berwick, ME 03908, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 53 Buttonwood Road, South Berwick, ME 03908. The Mortgage was executed by the Defendants on October 18, 2005. The book and page number of the Mortgage in the York County Registry of Deeds is Book 14641, Page 793.
- 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, 53 Buttonwood Road, South Berwick, ME 03908.

Dated: December 6, 2018

/s/John A. Doonan, Esq.
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 November 20, 2018

/s/Joanne T. O'Loughlin
Joanne T. O'Loughlin
36 Prospect Street, Apt. 1
Somersworth, NH 03878

Joanne T. O'Loughlin
53 Buttonwood Road
South Berwick, ME 03908

Dated: November 20, 2018

/s/James F. O'Loughlin, III
James F. O'Loughlin III
36 Prospect Street, Apt. 1
Somersworth, NH 03878

James F. O'Loughlin III
53 Buttonwood Road
South Berwick, ME 03908

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 10th day of December, 2018.