

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

Federal National Mortgage Association

Plaintiff

vs.

**Gerald Arthur Leavitt and Michelle D.
Leavitt**

Defendants

**Birdell B. Dunham, III and Linda S.
Dunham**

Parties-in-Interest

CIVIL ACTION NO: 2:19-cv-00290-JAW

**JUDGMENT OF FORECLOSURE AND
SALE**

RE:

**11 -13 Wheeler Street, Livermore Falls, ME
04254**

Mortgage:

March 1, 2006

Book 6686, Page 29

This matter came before the Court for a Pre-Trial Conference on November 5, 2021.

Plaintiff, Federal National Mortgage Association, was present and represented by Reneau J.

Longoria, Esq. Defendant, Michelle D. Leavitt, and Parties-in-Interest, Birdell B. Dunham, III and Linda S. Dunham appeared; Defendant, Gerald Arthur Leavitt did not appear, and has not appeared in the entirety of this action. The Defendant, Gerald Arthur Leavitt, was served in this matter via publication on January 22, 2021 [ECF 51]. The Plaintiff, Defendant, Michelle D. Leavitt and Parties-in-Interest, Birdell B. Dunham, III and Linda S. Dunham, have executed a Consent Judgment of Foreclosure and Sale, filed with a Motion to Approve Judgment, on November 3, 2021 at ECF No. 67.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment 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 and Sale is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay Federal National Mortgage Association (“FNMA”) the amount adjudged due and owing (\$124,114.81) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, FNMA shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$50,140.76
Interest	\$27,165.34
Escrow Advance	\$24,589.03
Corporate Advance	\$23,826.90
Hazard Suspense/Hazard Loss	\$-1,607.22
Grand Total	\$124,114.81

2. If the Defendants or their heirs or assigns do not pay FNMA the amount adjudged due and owing (\$124,114.81) 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 Livermore Falls Property shall terminate, and FNMA shall conduct a public sale of the Livermore Falls Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$124,114.81 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 4 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. FNMA may not seek a deficiency judgment against pursuant to the Plaintiff’s waiver of deficiency.
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, 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 \$124,114.81.
5. The priority of interests is as follows:

- Federal National Mortgage Association has first priority, in the amount of \$124,114.81, pursuant to the subject Note and Mortgage.
- Birdell B. Dunham, III and Linda S. Dunham have the second priority behind the Plaintiff, pursuant to a Warranty Deed, which granted a one-half interest to Birdell B. Dunham, III and Linda S. Dunham, dated July 13, 2006, and recorded in the Androscoggin County Registry of Deeds in the Androscoggin County Registry of Deeds in Book 6832, Page 345.
- Gerald Arthur Leavitt and Michelle D. Leavitt have the third priority behind the Plaintiff.

6. The prejudgment interest rate is 7.75000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 0.15%, *see* 28 U.S.C. § 1961.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Federal National Mortgage Association 3900 Wisconsin Avenue, N.W., Washington, D.C. 20016-2892	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANTS	Gerald Arthur Leavitt 77 Paradis Road Peru, ME 04290-3524	Pro Se
	Michelle D. Leavitt 138 Tessier Road, A Jay, ME 04239-4938	Pro Se

