

STATE OF MAINE
AROOSTOOK, SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. HOUSC-RE-18-09

MAINE STATE HOUSING AUTHORITY

Plaintiff

v.

TONY E. STEWART, et. al.

Defendants

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**ORDER VACATING JUDGMENT OF
FORECLOSURE AND SALE**

Title of Real Estate is Involved

Title 324 Military Street, Houlton, Maine 04769, is Involved

Mortgage recorded in the South Aroostook County Registry of Deeds at Bk. 3717, Pg. 47

As will be described herein, on January 14, 2019 the court mistakenly signed the Judgment of Foreclosure. On November 7, 2018, Plaintiff filed with the court a Motion for Summary Judgment. On November 16, 2018 Attorney Patrick Hunt entered his appearance for the Defendant Tony Stewart. On that same date, the court issued a notice for a phone conference with counsel, to be held on December 4, 2018. Also on that same date the court issued a notice for mediation to be held December 27, 2018.

The phone conference with counsel was held on December 4, 2018 at which Attorney Hochman for the Plaintiff and Attorney Hunt for Defendant Stewart participated. At that phone conference, the upcoming December 27, 2018 mediation was discussed, and the court indicated that if the mediation was unsuccessful, the court would set a deadline for the Defendant to respond to the Motion for Summary Judgment.

Defendant Stewart failed to appear at the December 27, 2018 mediation. On January 14, 2019, Attorney Hunt filed with the court a Motion to Withdraw as Counsel. The Motion to Withdraw was set for phone conference to be held on February 6, 2019. On February 5, 2019, Defendant Stewart telephoned the court, and the clerk reminded him of the February 6th phone conference and instructed him to call to participate. The phone conference with Attorney Hunt was held on February 6, 2019, but Defendant Stewart did not call in to participate. Following the phone conference, the court granted Attorney Hunt's Motion to Withdraw.

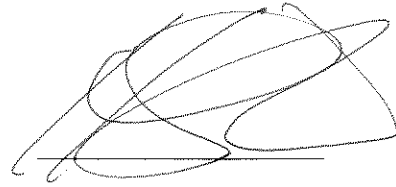
However, also on January 14, 2019 the court somewhat inexplicably signed the Judgment of Foreclosure.¹ Although Defendant Stewart failed to appear at the mediation, the court had previously indicated to counsel that if mediation was not successful, a deadline would be set to respond to the Motion for Summary Judgment. Under those circumstances, notwithstanding Attorney Hunt's withdrawal from the case, the court believes a formal deadline to respond should still be set allowing Defendant Stewart to file a written response in accordance with the Rules of Civil Procedure.

Accordingly, the court orders that the Judgment of Foreclosure entered January 14, 2019 be vacated; and it is further ordered that Defendant has until March 8, 2019 to file with the court

¹ Although not completely clear, the court likely signed the judgment per the prompt by the letter received from Plaintiff's counsel on January 10, 2019 indicating Defendant Stewart failed to appear at the mediation and the request the Motion for Summary Judgment be presented to the judge.

and with opposing counsel a written response to the Motion for Summary Judgment. Pursuant to Rule 79(a) this order shall be incorporated by reference in the Civil Docket.

Dated: February 12th, 2019

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, identifying the signatory as Harold L. Stewart, II.

Harold L. Stewart, II

Justice, Superior Court