

STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
CIVIL ACTION
Docket No. RE-11-248

RAC-CUM-11/29/20

JUDGMENT OF
FORECLOSURE AND SALE ✓

NORWAY SAVINGS BANK,

Plaintiff

v.

CATHLEEN J. HEWSON,

Defendant

STATE OF MAINE
Cumberland County

NOV 29 2011

RECEIVED

NOTE TO REAL ESTATE IS
INVOLVED

Address: 735 Norway Road,
Harrison, Cumberland County,
Maine

Mortgage recorded in
Cumberland County Registry of
Deeds Book 26167, Page 126

Upon Plaintiff's Motion for Summary Judgment and notice to all parties, based upon the pleadings and affidavits on file, the Court finds:

1. That venue is properly laid in this Court;
2. That there is no genuine issue as to any material fact involving Plaintiff's Complaint, and that Plaintiff is entitled to judgment as a matter of law;
3. That Defendant is in default under the terms of a certain \$132,250.00 Home Equity Line of Credit Agreement ("HELOC") given to the Plaintiff dated June 11, 2008;
4. That Defendant breached the conditions of Plaintiff's mortgage referred to in its Complaint and recorded in the Cumberland County Registry of Deeds in Book 26167, Page 126;
5. That Plaintiff is owed as of September 2, 2011, the following under its said HELOC and mortgage:
 - a. principal balance: \$130,728.20

| | | |
|----|-----------------------------------|-----------------------|
| b. | accrued interest through | |
| | September 2, 2011: | \$ 2,970.87 |
| c. | appraisal charge: | \$ 325.00 |
| d. | attorney's fees and disbursements | |
| | through October 4, 2011: | <u>\$ 1,940.36</u> |
| | | |
| | | SUBTOTAL \$135,964.43 |

In addition, Plaintiff is owed attorney's fees and expenses incurred by Plaintiff through the filing of the report of sale and disbursement of proceeds; additional interest accruing on said principal balance from and including September 3, 2011, at the rate of \$9.81 per day; and any amounts advanced by Plaintiff to protect its mortgage security.

6. That the order of priority and the amount of the claim of each party appearing and proving its claim against the foreclosure sale proceeds is as follows:

- a. Norway Savings Bank: \$135,964.43, plus interest on said principal balance from and including September 3, 2011, at the rate of \$9.81 per day, plus additional legal fees and expenses through the filing of the report of sale and disbursement of proceeds, plus any amounts advanced by Plaintiff to protect its mortgage security, including but not limited to, insurance premiums and real estate taxes;
- b. Surplus if any to the Defendant.

WHEREFORE, it is hereby Ordered and Decreed that if Defendant, her heirs and assigns, do not pay Plaintiff the amounts adjudged to be due to Plaintiff in Paragraph 5 above within ninety (90) days from the date of entry of this Order, Plaintiff (through its agents or attorneys) shall proceed with a sale of the real estate described in the mortgage deed recorded in the

Cumberland County Registry of Deeds in Book 26167, Page 126 pursuant to 14 M.R.S.A. Sections 6321-6324, free and clear of all liens, except liens senior to Plaintiff's mortgage, and shall pay the proceeds of sale, after satisfying expenses of sale, in the priority order and amounts set forth in Paragraph 6 above.

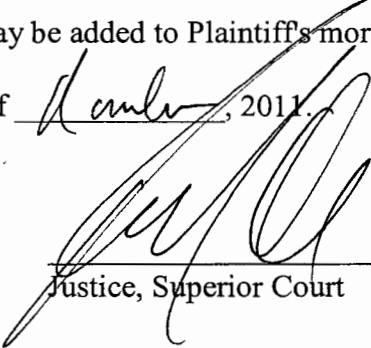
If Defendant fails to redeem by paying the above amount adjudged to be due on or before ninety (90) days from the date of entry of this Order, Plaintiff is granted exclusive possession of the real estate described in said mortgage and the Defendant is ordered to vacate the real estate at that time. A Writ of Possession shall be issued to Plaintiff for possession of said real estate if it is not redeemed, as aforesaid.

An execution shall issue against Defendant for any deficiency, provided the statutory requirements are met.

It is further Ordered and Decreed that pursuant to Rule 79(a), this Judgment of Foreclosure and Order of Sale may be incorporated by reference on the Civil Docket.

Plaintiff's counsel shall cause an attested copy of this Order with the signed Clerk's Certification to be recorded in the Cumberland County Registry of Deeds pursuant to Title 14 M.R.S.A. §2401. The cost for such recording may be added to Plaintiff's mortgage balance.

Dated at Portland, Maine this 28~~th~~ day of November, 2011.



Justice, Superior Court

ORDER ENTERED IN COURT'S DOCKET ON: November 29, 2011