

5/16/2014

ENTERED NOV 07 2014

STATE OF MAINE
CUMBERLAND, ss.

DISTRICT COURT
PORTLAND
CIVIL ACTION
DOCKET NO. PORDC-RE-12-140

KAP-CUMM-5-19-14

CENLAR FSB
PLAINTIFF

v.

DAVID M. GREEN
DEFENDANT

AND

CITIBANK, N.A.
AND
CAVALRY SPV I, LLC
PARTIES IN INTEREST

CONSENTED JUDGMENT OF FORECLOSURE AND SALE
WITH WAIVER OF DEFICIENCY
TITLE TO REAL ESTATE IS INVOLVED



355 New Portland Road, Gorham, Maine 04038
Cumberland County Registry of Deeds Book 25334, Page 333

With the consent of the parties who have appeared in this action, the Court finds as follows:

1. There has been a breach of the conditions of the Mortgage given by David M. Green to Mortgage Electronic Registration Systems, Inc., as nominee for Taylor, Bean & Whitaker Mortgage Corp., its successors and assigns, dated July 27, 2007 and recorded in the Cumberland County Registry of Deeds in Book 25334, Page 333 (the "Mortgage"), as a result of a default on the Promissory Note secured thereby. The Mortgage was assigned to Cenlar FSB, evidenced by assignment recorded December 12, 2011 in Book 29194, Page 50. The subject property is located at 355 New Portland Road, Gorham, Maine 04038 and is more particularly described in the legal description attached hereto as Exhibit A (the "Premises").

2. Defendant has not filed a timely request for mediation, and therefore mediation is not mandatory in this case in accordance with 14 M.R.S. § 6321-A.

3. As of April 2, 2014, the following amounts are owed to the Plaintiff under the terms of the Note and Mortgage:

Principal Balance	\$104,443.90
Accrued Interest	\$27,545.43
Escrow Advance	\$9,148.09
Property Inspection Fees	\$455.00
Attorney's Fees and Costs	\$2,522.33
Total	<hr/> \$144,114.75

Additional pre-judgment interest is accruing and post-judgment interest will accrue at a rate of 6.875% per annum in accordance with the Note and 14 M.R.S. §§ 1602-B and 1602-C. Additional attorney's fees, real estate taxes, costs and amounts advanced to protect the security of Plaintiff's mortgage may continue to accrue through the date of redemption or sale and the completion of these proceedings.

4. The Plaintiff waives any claim for a deficiency against David M. Green.

5. The order of priority of any party appearing in this action is as follows:

First Priority: The Mortgage held by Cenlar FSB recorded in the Cumberland County Registry of Deeds in Book 25334, Page 333. The amount due the Plaintiff is as set forth above.

Second Priority: Cavalry SPV I, LLC, by virtue of a writ of execution recorded September 14, 2011 in Book 28958, Page 149. The amount owed to Party-in-Interest Cavalry SPV I, LLC is as may be set forth in any affidavit submitted.

Third Priority: David M. Green.

6. Citibank, N.A. was named in this action but has not answered or otherwise appeared, therefore is not a necessary party to this consent judgment.

7. There are no public utility easements affected by this action.

8. The names and addresses (if known) of all parties to this action and their counsel of record are identified as follows:

a. Cenlar FSB

425 Phillips Boulevard
Ewing, NJ 08618

Counsel: Leonard F. Morley, Jr., Esq. #3856
William B. Jordan, Esq. #461
Elizabeth P. Hunt, Esq. #3162
Shapiro & Morley, LLC
707 Sable Oaks Dr., Suite 250
South Portland, Maine 04106
(207) 775-6223

b. David M. Green
77 Rochester Street
Westbrook, ME 04092

Counsel: Robert T. Boudreau, Esq.
685 US Route One
Scarborough, ME 04072

c. Citibank, N.A.
701 East 60th Street North
Sioux Falls, SD 57104

Counsel: Unknown

d. Cavalry SPV I, LLC
c/o David R. Dubord, Esq.
86 Lisbon Street
Lewiston, ME 04243

Counsel: David R. Dubord, Esq.
86 Lisbon Street
PO Box 1081
Lewiston, ME 04243

9. The docket number for this action is PORDC-RE-12-140.

10. All parties have received notice of these proceedings in accordance with the applicable provisions of the Maine Rules of Civil Procedure and any order of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that:

a. Judgment of Foreclosure and Sale is hereby entered in favor of Cenlar FSB. If David M. Green does not pay to the Plaintiff, its successors and assigns, the amount of the Plaintiff's total claim due as set forth above within

the agreed upon 5-month redemption period, then Cenlar FSB, its successors and assigns, shall sell the Premises pursuant to 14 M.R.S. § 6321 et seq., and shall disburse the proceeds of the sale, after deducting the expenses thereof, in the following order:

First, . to Cenlar FSB, its successors and assigns, as set forth above;

Second, to Cavalry SPV I, LLC, its successors and assigns, as set forth above;

Third, the surplus proceeds, if any, to David M. Green in accordance with 14 M.R.S. § 6324.

b. The Plaintiff waives any claim for a deficiency against David M. Green.

c. All remaining rights of the Defendant to possession shall terminate upon expiration of the agreed upon 5-month redemption period. If Defendant has not redeemed the mortgage by that date, Defendant is ordered to vacate the real estate at that time, and a Writ of Possession shall issue to the Plaintiff for possession of the real property upon application for the same.

d. The Court specifically finds that there is no just reason for delay of the entry of final judgment for the relief requested in Plaintiff's complaint, and the Clerk is directed to enter this Order as a final judgment pursuant to Rule 54.

e. If an appeal is not filed and the Clerk has so certified, Cenlar FSB shall be responsible for recording an attested copy of this judgment in the Cumberland County Registry of Deeds and paying the recording fee.

f. Pursuant to Rule 79(a) this Order may be incorporated by reference on the Civil Docket.

Dated: 5/16/14

Keith A. Powers
Judge, District Court
Keith A. Powers

Entered On: 5/19/14

Seen and Agreed:

Robert T. Boudreau
David M. Green By His Attorney,
Robert T. Boudreau, Esquire

5-7-14
Date

Cavalry SPV I, LLC

By: David R. Dubord, Esq.

Date

Cenlar FSB

Leonard F. Morley, Jr.
By: Leonard F. Morley, Jr., Esq. #3856
William B. Jordan, Esq. #461
Elizabeth P. Hunt, Esq. #3162

5/13/14
Date

Attorneys for Plaintiff

This document may be executed with counterpart original signature pages which together may constitute a complete written agreement.

STATE OF MAINE
Cumberland, ss, Clerk's Office
MAY 19 2014
RECEIVED

f. Pursuant to Rule 79(a) this Order may be incorporated by reference on the Civil Docket.

Dated: 5/16/14



Judge, District Court


Entered On:

Seen and Agreed:

David M. Green

Date

Cavalry SPV I, LLC



By: David R. Dubord, Esq.

5/8/14

Date

Cenlar FSB

By: Leonard F. Morley, Jr., Esq. #3856
William B. Jordan, Esq. #461
Elizabeth P. Hunt, Esq. #3162

Date

Attorneys for Plaintiff

This document may be executed with counterpart original signature pages which together may constitute a complete written agreement.

CERTIFICATION OF CLERK PURSUANT TO 14 M.R.S. § 2401(3) (F)

Pursuant to 14 M.R.S. § 2401(3)(F), it is hereby certified that no notice of appeal of the Judgment of Foreclosure and Sale in this matter was filed with the Clerk of Court in this action within the appeal period following entry of judgment or that the final judgment has been entered after remand following an appeal.

Dated:

Clerk of Court

11-015287

EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated on the southerly side of the new road from Westbrook to Gorham Corner situated in the Town of Gorham, County of Cumberland and State of Maine, bounded and described as follows: *355 New Portland Road, Gorham, ME*

Beginning at a stake on the southerly side of said road at land now or formerly of Hazel E. Welch; thence westerly by said road one hundred (100) feet to other land now or formerly of said Welch; thence southerly at right angles with said road one hundred (100) feet to a stake; thence easterly parallel with said road one hundred (100) feet to a stake; thence northerly one hundred (100) feet to said road at the point of beginning.

For Grantor's source of title see deed of Daniel Putman and Gayle M. Cairns of even or recent date to be recorded with the Cumberland County Registry of Deeds.