

4/14/2014

STATE OF MAINE  
CUMBERLAND, ss

DISTRICT COURT  
LOCATION - PORTLAND  
CIVIL ACTION  
DOCKET NO. RE-12-313

CUM - PJG - 04-14-14

STATE OF MAINE  
Cumberland, ss, Clerk's Office  
APR 14 2014

RECEIVED

NATIONSTAR MORTGAGE LLC  
PLAINTIFF

V.  
KYLE R. BRENNEMAN and ELIZABETH  
BRENNEMAN

DEFENDANT(S)

CITIBANK FEDERAL SAVINGS BANK  
AND

SWEDISH SOLUTIONS, INC., AND LIVERSIDGE PROPERTY DEVELOPMENT, LLC  
PARTY(IES)-IN-INTEREST

JOINT MOTION FOR ENTRY OF  
STIPULATED JUDGMENT OF FORECLOSURE AND SALE  
TITLE TO REAL ESTATE INVOLVED

Plaintiff, Nationstar Mortgage, LLC , by and through counsel, Defendant, Kyle R. Brenneman, and Defendant, Elizabeth Brenneman, Party-In-Interest, Swedish Solutions, Inc., and Liversidge Property Development, LLC by and through counsel, respectfully request that this Honorable Court enter a Stipulated Judgment of Foreclosure and Sale with regard to the above-captioned matter.

WHEREFORE, the parties, respectfully request:

- 1. Judgment of Foreclosure and Sale shall enter in favor of Plaintiff;

Dated this 9<sup>th</sup> day of April, 2014

\_\_\_\_\_  
Attorney for Plaintiff  
James M. Garnet, Esq., # 5035  
Shechtman Halperin Savage LLP  
1080 Main Street  
Pawtucket, RI 02860  
(401) 272-1400

Dated this 10<sup>th</sup> day of March, 2014

\_\_\_\_\_  
Attorney for Defendants  
Robert R. Goodrich, Esq. Bar 1438  
39 High Street  
East Boothbay, ME 04544  
207-633-4700

Dated this 12<sup>th</sup> day of March, 2014

\_\_\_\_\_  
Attorney for Parties-In-Interest,  
Swedish Solutions, Inc., and  
Liversidge Property Development, LLC  
David S. Turesky, Esq. Br. Reg #1926  
477 Congress Street, Suite 400  
Portland, ME 04101-3459

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NATIONSTAR MORTGAGE LLC  
**PLAINTIFF**

V.

KYLE R. BRENNEMAN and ELIZABETH  
BRENNEMAN

**DEFENDANT(S)**

CITIBANK FEDERAL SAVINGS BANK  
AND

SWEDISH SOLUTIONS, INC., AND LIVERSIDGE PROPERTY DEVELOPMENT, LLC  
**PARTY(IES)-IN-INTEREST**

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**STIPULATED JUDGMENT OF FORECLOSURE AND ORDER OF SALE**  
**TITLE TO REAL ESTATE IS INVOLVED**  
**PROPERTY ADDRESS: 36 Crestview Drive Portland, Cumberland County, Maine**  
**MORTGAGE RECORDED IN CUMBERLAND COUNTY**  
**REGISTRY OF DEEDS IN BOOK 23625 PAGE 314**  
**JUDGMENT OF FORECLOSURE AND SALE**

By agreement of the parties, Nationstar Mortgage, LLC , (“Plaintiff”) by and through counsel, Defendant, Kyle R. Brenneman, and Defendant, Elizabeth Brenneman, (hereinafter the “Defendants”) Party-In-Interest, Swedish Solutions, Inc., and Liversidge Property Development, LLC (hereinafter the “Parties-In-Interest) by and through counsel, the Court finds as follows:

1. That Defendants have breached the condition of Plaintiff’s mortgage dated January 20, 2006, (the “Mortgage”) which was recorded in the Cumberland County Registry of Deeds in Book 23625 at Page 314, by failing to make payments on the promissory note (the “Note”), executed of even date and secured by said Mortgage.
2. As of December 26, 2013, the amounts due under the terms of said Note and Mortgage are:

PRINCIPAL:	\$249,771.58
INTEREST:	\$53,142.67
ESCROW ADVANCES:	\$34,657.95
CORP ADVANCE BALANCE:	\$6,766.18
LATE CHARGES:	\$125.01
TOTAL:	\$344,463.39

A detailed accounting of Principal and Interest is attached hereto as **Schedule A**.

Pursuant to 14 M.R.S.A. §§ 1602-B and 1602-C, the prejudgment interest rate is 6.49% per annum and \$11.5414666 per day of said principal balance and the post-judgment interest rate is [6.12% per annum/3.125% per annum, higher of note or statutory rate]

Plaintiff is awarded Attorney's Fees in the amount of \$1,325.00, and Attorney's Disbursements in the amount of \$646.10.

Plaintiff is entitled to add any additional amounts advanced by Plaintiff to protect its mortgage security.

3. The order of priority of the claims of the parties who have appeared in this action is as follows:

FIRST: The Plaintiff, by virtue of its mortgage in the above amounts and attorney's fees.

SECOND: The Parties-In-Interest Swedish Solution, Inc., and Liversidge Property Development, LLC by virtue of an Attachment against Defendant(s) in the principal amount of \$63,201.41 dated August 5, 2008 and recorded August 5, 2008, in Book 26255 at Page 340 of the Cumberland County Registry of Deeds and by virtue of a Writ of Execution against Defendant(s) in the principal amount of \$66,042.11, dated January 13, 2009, and recorded on January 21, 2009, in Book 26565 at Page 8 of the Cumberland County Registry of Deeds. That the Parties-In-Interest Swedish Solution, Inc., and Liversidge Property Development, LLC are entitled to statutory interest as otherwise allowed by law.

THIRD: The Defendant, Kyle R. Brenneman and Defendant, Elizabeth Brenneman.

4. The Plaintiff's claim for attorney's fees is integral to the relief sought, within the meaning of M.R. Civ. P. 54(b)(2), and there is no just reason for delay in the entry of final judgment for Plaintiff on all claims.

WHEREFORE, it is hereby ordered and decreed that Plaintiff shall sell the mortgaged real estate pursuant to 14 M.R.S.A. §6321 et seq. and disburse the proceeds of said sale after deducting the expenses thereof, in the amounts and priorities as determined above. The surplus, if any, shall be deposited with the Clerk for the benefit of the Parties in accordance with the statute.

Plaintiff is granted exclusive possession of the real estate mortgaged and the parties have agreed to waive the statutory ninety (90) day redemption period. A Writ of Possession shall be issued to Plaintiff for possession of said real estate if it is not redeemed, as aforesaid.

No deficiency is sought by the Plaintiff as, pursuant to an Order Discharging Debtors entered on October 13, 2009, in U.S. Bankruptcy Court, District of Maine, Docket No.09-20980, the Defendants are not liable for any deficiency balance remaining due to the Plaintiff after the sale of the mortgaged real estate and application of the proceeds of sale.

The following provisions are set forth pursuant to 14 M.R.S.A. §2401:

1. The names and addresses, if known, of all parties to the action, including the counsel

of record, are set forth in Schedule B attached hereto.

2. The docket number is RE-12-313.

3. The Court finds that all parties have received notice of the proceeding in accordance with the applicable provisions of the Maine Rules of Civil Procedure. Such notice was not given pursuant to an order of court.

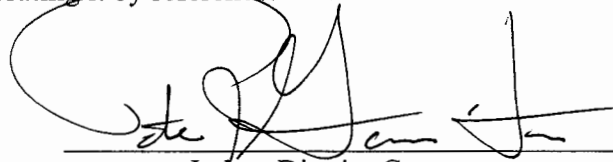
4. The street address and a description of the real estate involved is set forth in Schedule C attached hereto.

5. The Plaintiff is responsible for recording the attested copy of the judgment and for paying the appropriate recording fees.

The Clerk is hereby directed to enter this Judgment as a final judgment pursuant to M.R. Civ. P. 54(b)(1).

The Clerk is specifically directed pursuant to M.R. Civ. P. 79(a) to enter this Judgment on the civil docket by a notation incorporating it by reference.

DATED: 4/14/14, ~~2013~~

  
\_\_\_\_\_  
Judge, District Court

Date entered in the docket book: 4/15/2014

STATE OF MAINE  
Cumberland ss. Clerk's Office

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

APR 15 2014  
RECEIVED

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 the entry of judgment.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Clerk of Court

SCHEDULE A

Loan Number:	609154406	Date Completed:	11/15/13
Good Through Date	12/26/2013	Interest Paid To:	6/1/2008
Loan Type:	03	Per Diem Int:	21.38
Sub Code:	00	Int Rate:	3.125
Inv #:	ATK	Interest Calcs:	53,142.67
Prin Bal:	249,771.58	Pmt Amt:	1,733.23
Next Due:	7/1/2008	# Pmts Delq:	65

Escrow Advance:	34,657.95
Investor Advance:	0.00
Deferred Interest:	0.00
Total Late Charges:	125.01
Corp Advance Balance:	6,766.18
Total NSF Charges:	0.00
Optional Ins Payment:	0.00
Prepayment Penalty:	0.00
Last FHA PMI Premium:	0.00
Other Fees Due:	0.00
Rebate Points Financed:	0.00
Oth1 Prepayment Penalty:	0.00
Omitted County Recording Fee:	Yes
Accept Quote:	Yes

Payoff Amount: 344,463.39

SCHEDULE B

Nationstar Mortgage, LLC  
350 Highland Drive  
Lewisville, TX 75067

Counsel: Jeffrey J. Hardiman, Esq.  
Shechtman Halperin Savage LLP  
1080 Main Street,  
Pawtucket, RI 02860

Kyle R. Brenneman  
Elizabeth Brenneman  
c/o Robert R. Goodrich, Esq.  
39 High Street  
East Boothbay, ME 04544

Citibank Federal Savings Bank  
701 East 60<sup>th</sup> Street North  
Sioux Falls, SD 57104

Swedish Solution, Inc.  
and Liversidge Property Development, LLC  
David S. Turesky, Esquire,  
477 Congress Street, Suite 400,  
Portland, Maine 04101-3431

SCHEDULE C

PROPERTY ADDRESS: 36 Crestview Drive Portland, Cumberland County, Maine

EXHIBIT A

LEGAL DESCRIPTION

Parcel 388-A024001

A certain tract or parcel of land in Cumberland County, in the State of Maine, described as follows:

Situated in the City of Portland, County of Cumberland and State of Maine, more particularly described

A certain lot or parcel of land with the buildings thereon, situated on the northerly side of Crest View Drive in the City of Portland, County of Cumberland and State of Maine, being Lot No. 10 as delineated on Plan of Crest View Acres, Sec. 2, dated April 1960, and recorded in the Cumberland County Registry of Deeds in Plan Book 53, Page 41.

Subject to restrictions.