

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-15-158

STATE OF MAINE
Cumberland, ss. Clerk's Office

GORHAM SAVINGS BANK,

JUN 24 2016

Plaintiff

RECEIVED

v.

ORDER

MELISSA BLAKE,

Defendant

Before the court in this mortgage foreclosure action is a motion for summary judgment by plaintiff Gorham Savings Bank.

Defendant Melissa Blake answered, requested mediation, and attended a mediation in this case. She did not file any opposition to the summary judgment motion by Gorham Savings.

Even if not opposed, summary judgment may not be entered in a foreclosure action until the court determines (1) that the service and notice requirements of the rules of civil procedure and 14 M.R.S. § 6111 have been complied with, (2) that plaintiff has properly certified proof of ownership of the note and mortgage and produced evidence of the note and mortgage and all assignments of same; and (3) mediation, when required, has been completed. M.R.Civ.P. 56(j).

In this case the court's review of the papers submitted by Gorham Savings in support of its motion demonstrate that all of the above requirements have been satisfied. In addition, the motion complies with the requirements of *Chase Home Finance LLC v. Higgins*, 2009 ME 136 ¶ 11, 985 A.2d 508. In particular, the Babineau affidavit establishes that the bank records relied upon are business records within the meaning of M.R.Evid. 803(6).

The only possible issue is that the original note is made out to "Lender," but the Lender is not identified in the original note. However, both the mortgage and the note extension agreement signed by Blake establish that the note was given to Gorham Savings Bank.

The entry shall be:

Plaintiff's motion for summary judgment is granted. See accompanying judgment of foreclosure. The Clerk is directed to incorporate this order in the docket by reference pursuant to Rule 79(a).

Dated: June 21, 2016



Thomas D. Warren
Justice, Superior Court