

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. RE-17-256



U.S. BANK, N.A.,

Plaintiff

v.

STATE OF MAINE
Cumberland ss Clerk's Office

ORDER ON DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

PENNY LOWELL,

JUN 26 2018
18:40PM

RECEIVED

Defendant

Before the court is defendant's motion for summary judgment. Plaintiff filed no objection. In 2011, plaintiff filed a foreclosure complaint involving the same parties, real property, note, mortgage, and alleged default. (POR-SC-RE-11-606 Compl. ¶¶ 1-11; CUM-RE-17-256 Compl. ¶¶ 1-15.) Based on defendant's submissions, the court concludes that this second foreclosure action is barred by the judgment dated March 4, 2014 in favor of defendant in the first case. See Pushard v. Bank of Am., N.A., 2017 ME 230, ¶¶ 31-32, 175 A.3d 103; Fannie Mae v. Deschaine, 2017 ME 190, ¶¶ 22-23, 170 A.3d 230; Johnson v. Samson Constr. Corp., 1997 ME 220, ¶¶ 6-8, 704 A.2d 866.

The entry is

Judgment is entered in favor of Defendant, Penny Lowell, and against Plaintiff, U.S. Bank, N.A., on Plaintiff's Complaint. Within 30 days of the date of this order, Defendant will file an affidavit of attorney's fees and court costs incurred in defending against this foreclosure complaint. 14 M.R.S. § 6101 (2017).

Date: June 26, 2018


Nancy Mills
Justice, Superior Court

Entered on the Docket: 6/27/18