

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.: RE-17-7

PENNYMAC LOAN SERVICES, LLC
PLAINTIFF

REC'D CUMB CLERKS OF
JUN 15 '17 PM 1:46

V.

ROBERT W. BYRNE III
DEFENDANT

STIPULATED
JUDGMENT OF FORECLOSURE AND ORDER OF SALE
TITLE TO REAL ESTATE IS INVOLVED
PROPERTY ADDRESS: 5 Leeward Pass, Windham, Cumberland County, Maine
MORTGAGE RECORDED IN CUMBERLAND COUNTY
REGISTRY OF DEEDS IN BOOK 31239 PAGE 308
JUDGMENT OF FORECLOSURE AND SALE

Upon Request for Stipulated Judgment of Plaintiff, PennyMac Loan Services, LLC and Defendant, Robert W. Byrne, III, the Court finds as follows:

1. That Defendant has breached the condition of Plaintiff's mortgage dated December 17, 2013, (the "Mortgage") which was recorded in the Cumberland County Registry of Deeds on December 19, 2013, in Book 31239 at Page 308, by failing to make payments on the promissory note (the "Note"), executed of even date and secured by said Mortgage.
2. As of June 30, 2017, the amounts due under the terms of said Note and Mortgage are:

PRINCIPAL:	\$157,961.60
INTEREST:	\$ 17,627.13
ESCROW BALANCE:	\$ 9,548.22
LATE CHARGES:	\$ 231.35
REC BALANCE:	\$ 6,175.20
FEES:	\$ 30.50
PRO RATA MIP:	\$ 302.82
<u>TOTAL</u>	<u>\$191,876.82</u>

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

REC'D CUMB CLERKS OF
JUN 16 '17 PM 1:12

Pursuant to 14 M.R.S.A. §§ 1602-B and 1602-C, the prejudgment interest rate is 4.625% per annum of said principal balance and the post-judgment interest rate is 6.16% per annum, higher of note or statutory rate.

Plaintiff is awarded Attorney's Fees in the amount of \$1,225.00, and Attorney's Disbursements in the amount of \$857.69.

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 in this action is as follows:

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

SECOND: The Defendant.

4. The Plaintiff's claim for attorney's fees is not 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 as follows:

The statutory redemption period and appeal period are waived and therefore reduced to a period of zero (0) days. 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.

Plaintiff is granted exclusive possession of the real estate mortgaged after the expiration of the period of redemption, and the parties have agreed to waive the statutory ninety (90) day redemption period, such period having been reduced to a period of zero (0) days. A Writ of Possession shall be issued to Plaintiff for possession of said real estate if it is not redeemed, as aforesaid.

Defendant is **not liable** for any deficiency balance remaining due to Plaintiff after the sale of the mortgaged real estate and application of the proceeds of sale pursuant to the parties' agreement. Any right to a deficiency is waived.

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-17-7.

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. 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: June 15, 2017



 Justice, Superior Court

Date entered in the docket book: June 15, 2017


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 the entry of judgment.

Dated: _____, 20____

 Clerk of Court

SEEN AND AGREED TO:



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

SEEN AND AGREED TO:



 Attorney for Defendant
 Andrew J. Kull, Esq. # 9331
 Mittel Asen, LLC
 85 Exchange Street, 4th Floor
 Portland, ME 04101

PENNYMAC LOAN SERVICES LLC VS ROBERT W BYRNE III

*****FDP*****

UTN:AOCSSr -2017-0001032

CASE #:PORSC-RE-2017-00007

<u>FILE NO</u>	<u>ATTORNEY</u>	<u>ADDRESS</u>	<u>REPRESNTATION TYPE</u>	<u>DATE</u>
01 0000009331	<u>ATTORNEY: KULL, ANDREW J</u>	<u>185 EXCHANGE ST 4TH FLOOR PORTLAND ME 04101-5036</u>	<u>DEF</u>	<u>RTND 04/13/2017</u>
02 0000009421	<u>ATTORNEY: NEY, JOHN MICHAEL JR</u>	<u>1080 MAIN STREET PAWTUCKET RI 02860</u>	<u>PL</u>	<u>RTND 01/05/2017</u>
03 0000009510	<u>ATTORNEY: FOLSOM, CARRIE</u>	<u>1080 MAIN STREET PAWTUCKET RI 02860</u>	<u>PL</u>	<u>RTND 01/05/2017</u>

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PAGE A - ATTORNEY BY CASE VIEW

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PENNYMAC LOAN SERVICES LLC VS ROBERT W BYRNE III

*****FDP*****

UTN:AOCSSr -2017-0001032

CASE #:PORSC-RE-2017-00007

<u>FILE NO</u>	<u>ATTORNEY</u>	<u>ADDRESS</u>	<u>REPRESNTATION TYPE</u>	<u>DATE</u>
04 0000004407	<u>ATTORNEY: SCHOENBAUM, MONICA P</u>	<u>1080 MAIN STREET PAWTUCKET RI 02860</u>	<u>PL</u>	<u>RTND 01/05/2017</u>
05 0000005035	<u>ATTORNEY: GARNET, JAMES</u>	<u>1080 MAIN STREET PAWTUCKET RI 02860</u>	<u>PL</u>	<u>RTND 01/05/2017</u>

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