

BANK OF AMERICA, N.A.,)
)
 Plaintiff,)
)
 v.)
)
 LETOM MANAGEMENT, LLC.,)
)
 Defendant.)

ORDER

Before the Court are Plaintiff and Defendant’s cross Motions for Summary Judgment.

The Plaintiff’s Complaint invokes this Court’s equity jurisdiction under 14 M.R.S. § 6051(13) and asks that it be assigned the mortgage for which it holds the promissory note. However, the parties disagree as to whether the Plaintiff has an equitable interest in the mortgage. *See Beal Bank USA v. New Century Mortg. Corp.*, 2019 ME 150, ¶ 15, 217 A.3d 731 (holding that “the holder of the [promissory] note may retain some equitable interest in the accompanying mortgage”). The Court finds that based on the record before it, there is insufficient information to determine what, if any, equitable interest the Plaintiff has in the subject mortgage. Therefore, the Court Orders that the parties shall fully brief this issue for the Court.

The entry is:

Plaintiff and Defendant are Ordered to submit briefs outlining what, if any, equitable interest the Plaintiff has in the subject mortgage. Both Plaintiff and Defendants’ briefs shall be due on or before January 5, 2020.

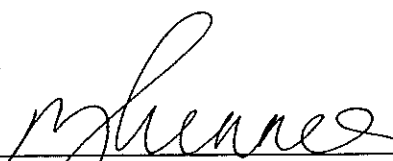
For Plaintiff: David Jones, Esq.

For Defendant: Michael Bosse, Esq. and Conor Shankman, Esq.

REC'D CLERKS OF
DEC 10 '20 PM 4:07

The Clerk is directed to incorporate this Order into the docket by reference pursuant to Maine Rule of Civil Procedure 79(a).

Dated: December 10, 2020



Mary Gay Kennedy
Justice, Maine Superior Court