

STATE OF MAINE

LINCOLN, SS.

SUPERIOR COURT

CIVIL ACTION

Docket No. RE-15-21

FIRST FEDERAL SAVINGS AND  
LOAN ASSOCIATION OF BATH,

Plaintiff

v.

DANIEL R. MERCURO,

Defendant

JUDGMENT OF FORECLOSURE  
AND ORDER OF SALE

TITLE TO REAL ESTATE INVOLVED

Address: 226 Washington Road, Jefferson, Lincoln County, Maine

Mortgage: Lincoln County Registry of Deeds Book 4228, Page 218

A bench trial was held in this matter on June 7, 2016, at which the Plaintiff, First Federal Savings and Loan Association of Bath, presented testimony of its President, Andrew Perry. The Defendant did not appear. Based upon the testimony of Mr. Perry and the exhibits admitted at trial, the Court finds as follows:

1. Venue is properly laid in this Court;
2. The parties to this action are as follows:

First Federal Savings and Loan Association of Bath, Plaintiff  
125 Front Street, PO Box 488  
Bath, ME 04530-0488

David R. Mercurio  
611 Arnold Ave  
Point Pleasant Beach, NJ 08742

3. Counsel for the Plaintiff is Zachary I. Greenfield, Esq., of Barns, Greenfield & Thornton, LLC, 361 U.S. Route One, Falmouth, Maine, 04105;

4. No counsel has appeared for the Defendant.

5. All parties have received notice of the proceedings in accordance with the applicable provisions of the Maine Rules of Civil Procedure;

6. The real estate which is the subject of this foreclosure action is situated at 226 Washington Road in the Town of Jefferson, County of Lincoln and State of Maine, being more particularly described in **Exhibit A** attached hereto.

7. Defendant has defaulted under the terms of a certain \$138,500.00 Note given to Plaintiff dated November 20, 2009;

8. Defendant breached the conditions of Plaintiff's mortgage referred to in its Foreclosure Complaint and recorded in the Lincoln County Registry of Deeds in Book 4228, Page 218;

9. The following is due on said \$138,500.00 Note as of June 7, 2016:

Principal	\$ 127,776.94
Interest	\$ 9,463.53
Late Charges	\$ 892.74
Forced Insurance	\$ 669.46
Legal Fees and Costs	\$ 2,398.40
Appraisal Fee	\$ 400.00
Discharge Fee	\$ 22.00
Postage Charge	\$ 8.91
Total	\$ 141,631.98

Plaintiff is also owed attorney's fees and expenses incurred through the filing of the report of sale and disbursement of proceeds; additional interest accruing on said principal balance from and including June 8, 2016, at the rate of 5.5% per annum (\$19.52 per day); and any amounts advanced by Plaintiff to protect its mortgage security.

10. The order of priority and the amount of the claim of each party appearing and proving its claim against the foreclosure sale proceeds is as follows:

FIRST: First Federal Savings and Loan Association of Bath pursuant to mortgage dated November 20, 2009, recorded in the Lincoln County Registry of Deeds in Book 4228, Page 218, in the amount of \$141,631.98 as of June 7, 2016, plus interest from and including June 8, 2016 at the rate of 5.5% per annum (\$19.52 per day), and additional legal fees and expenses through the report of sale and disbursement of proceeds;

SECOND: Surplus, if any, to the Defendant.

Plaintiff has not joined the holder of any public utility easement as a party to this action.

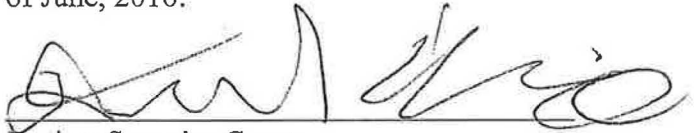
WHEREFORE, it is hereby Ordered and Decreed that if Defendant does not pay Plaintiff the amount adjudged to be due to Plaintiff in Paragraph 9 above within ninety (90) days from the date of entry of this Judgment and Order, Plaintiff (through its agents or attorneys) shall proceed with a sale of the real estate described in the mortgage recorded in the Lincoln County Registry of Deeds in Book 4228, Page 218, pursuant to 14 M.R.S.A. Sections 6321-6324, free of all liens, except liens senior to Plaintiff's mortgage, and shall pay the proceeds of sale, after satisfying expenses of sale, in the priority order and amounts set forth in Paragraph 10 above.

If Defendant fails to redeem by paying the above amount adjudged to be due on or before ninety (90) days from the date of entry of this Order, Plaintiff is granted exclusive possession of the real estate described in said mortgage and Defendant is ordered to vacate the real estate at that time. A Writ of Possession shall be issued to Plaintiff for possession of said real estate if it is not redeemed, as aforesaid. An execution shall issue against the Defendant for any deficiency following sale provided that the statutory requirements are met.

It is further Ordered and Decreed that pursuant to Rule 79(a), this Judgment of Foreclosure and Order of Sale may be incorporated by reference on the Civil Docket.

Plaintiff's counsel shall cause an attested copy of this Order with the signed Clerk's Certification to be recorded in the Lincoln County Registry of Deeds pursuant to Title 14 M.R.S.A. § 2401. The cost for such recording may be added to Plaintiff's mortgage balance.

Dated at Wiscasset, Maine this 7<sup>th</sup> day of June, 2016.

  
Justice, Superior Court

ORDER ENTERED IN COURT'S DOCKET ON: \_\_\_\_\_

## EXHIBIT A

A certain lot or parcel of land together with the building thereon, situated in Jefferson, County of Lincoln and State of Maine, bounded and described as follows:

BEGINNING at a 5/8" diameter capped rebar set on the westerly side of the highway leading past the dwelling house now or formerly of Aden Turner, formerly of Watson G. Turner, toward Washington, also known as State Route 126; THENCE in a southwesterly direction by and along the westerly side of said Route 126 to a 3/4" diameter capped rebar found (PLS 888)(the straight line tie between said 5/8" rebar and said 3/4" rebar being South 41° 00' 10" West and a distance of three hundred thirty-seven and nine tenths (337.9) feet); THENCE North 48° 9' 49" West a distance of one hundred thirty and sixty-one hundredths (130.61) feet to a 3/4" diameter capped rebar found (PLS 888); THENCE North 23° 38' 41" East a distance of seventy-seven and sixty-seven hundredths (77.67) feet to a 3/4" diameter capped rebar found (PLS 888); THENCE North 58° 17' 17" West a distance of two hundred fifteen (215) feet to a 5/8" diameter capped rebar set (the last three calls being by and along land now or formerly of Frank M. Holmes, Jr.); THENCE North 67° 11' 15" East passing through a stone monument, a distance of three hundred nine and eight tenths (309.8) feet to a 5/8" diameter capped rebar set; THENCE South 53° 37' 40" East a distance of two hundred thirty (230) feet to the 5/8" rebar at the point of beginning (the last two calls being by and along land retained by Friedrich Bormann).

Excepting and reserving a right of way to Friedrich Bormann, his heirs, successors and assigns, for utility service fifteen (15) feet in width along the northeasterly line of the above described premises (with a call of South 53° 37' 40" East and two hundred thirty (230) feet). Ingress and Egress within said strip shall be permitted at all times for the purpose of installing, repairing and maintaining such utilities.

Subject to the right of Frank M. Holmes to take water from the well on the above described property, said right being more fully described in a deed of Alice Holmes to Frank M. Holmes dated August 16, 1973 and recorded in the Lincoln County Registry of Deeds, Book 783, Page 251.

Being a portion of the property described in a deed of Allen H. Holmes, et al. to Friedrich Bormann and Hanna G. Bormann dated September 19, 1996 and recorded in the Lincoln County Registry of Deeds, Book 2184, Page 75. Friedrich Bormann is the surviving joint tenant of Hanna G. Bormann, deceased on 9/22/99.

Reference may be had to a Plan entitled "Boundary Survey prepared for Friedrich Bormann, Jefferson, Lincoln County, Maine", Scale 1"=60', dated April 20, 2004, by Lincoln Surveying Company.

Reference: Deed from Friedrich Bormann to Daniel R. Mercurio and Jenny-Rose Mercurio dated August 16, 2004 and recorded in said Registry at Book 3345, Page 90.