

STATE OF MAINE
Cumberland, ss.

MAINE DISTRICT COURT
DIVISION OF PORTLAND
Civil Action, Docket No. POR-RE-10-235

EPE-CUM-06-24-14

Nationstar Mortgage LLC,
PLAINTIFF

CONSENTED JUDGMENT FOR
FORECLOSURE AND ORDER
OF SALE



vs.
Estate of Katherine M. Clark,
Samuel M. Sherry, Special Administrator,
DEFENDANT

Title to Real Estate Involved
5 Peaceful Way, Windham, ME
Mortgage Book 25596 Page 167

The Special Administrator of the Estate of Katherine M. Clark hereby agrees and consents to entry of Judgment of Foreclosure as follows:

1. The parties in this action are as follows, to wit:

Plaintiff: Nationstar Mortgage LLC
Address: 350 Highland Drive
Lewisville, TX 75067-4177

Plaintiff's Counsel: Brent A. York, Esq.
Address: Phillips, Olore, Dunlavey & York, P.A.
480 Main Street, Presque Isle, ME 04769

Defendant(s): Estate of Katherine M. Clark
Address: Samuel M. Sherry, Special Administrator
P.O. Box 7875, Portland, ME 04112

Defendant(s) Counsel: None

2. The Court hereby finds that Defendant is not in active military service and that all parties have received notice of this foreclosure action in accordance with the applicable provisions of the Maine Rules of Civil Procedures; and/or All notices given pursuant to an Order of this Court, including service by publication, have been served or given pursuant to the Order.

3. The real estate involved in this action is located at 5 Peaceful Way, Windham, Maine and further described as follows, to wit: See Exhibit "A" attached hereto.

4. The Estate of Katherine M. Clark has breached the conditions of the mortgage given to Mortgage Electronic Registration Systems Inc., as nominee for First Financial Mortgage Corp, dated November 2, 2007, and recorded in the Cumberland County Registry of Deeds in Vol.25596, Page 167. Said Mortgage, and Note secured thereby, was assigned by Mortgage Electronic Registration Systems Inc., as nominee for First Financial Mortgage Corp to BAC

Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP dated May 7, 2010 and recorded in said Registry of Deeds in Book 27840, Page 105. Being further assigned to Nationstar Mortgage LLC by Assignment dated April 4, 2013 and recorded in said Registry of Deeds in Book 30678, Page 240.

5. As of June 20, 2014, there is due and owing Plaintiff on its mortgage from said Estate of Kathrine M. Clark the following:

A. Principal	\$172,260.17
B. Accrued interest	\$ 62,053.76
C. Escrow Advance	\$ 25,328.44
D. Outstanding Attorney fees	\$ 3,442.73
E. Corporate Advances	<u>\$ 3,020.20</u>
F. TOTAL:	\$266,095.30

G. Additional interest accruing from June 20, 2014 at a per diem rate of \$34.22, at the interest rate of 7.250% pursuant to the terms of the Note.

H. Additional costs of sale and publication of Notice of Sale, costs and amounts advance to protect the security of Plaintiff's mortgage up to and including the date of redemption or sale

6. The priorities of the parties, as of the date of filing of Plaintiff's Complaint and the Clerk's Certificate and the amount due to the parties, are as follows, to wit:

A. FIRST PRIORITY: Plaintiff, Nationstar Mortgage LLC, holds first priority by virtue of its mortgage as stated hereinabove. The amount due the Plaintiff as of June 20, 2014 is in the sum of \$266,095.30; and

B. SECOND PRIORITY: Any surplus to the Defendant.

7. Judgment and Judgment for Foreclosure is hereby ordered in favor of Plaintiff Nationstar Mortgage LLC and against The Estate of Kathrine M. Clark, and Judgment in the sum of \$266,095.30, together with costs of publication, and recording or filing fees, any other costs or expenses incurred by Plaintiff to protect its interest and the security of its mortgage, and accruing interest, together with sale and publication of expenses.

8. The Court further finds, pursuant to M.R.Civ.P. 54 (b)(2) (as amended eff. March 1, 1994), that Plaintiff's claim for attorney's fees is integral to the relief sought. Accordingly, the Plaintiff may file an application for additional attorney's fees and costs (in addition to those set forth hereinabove) in the Report of Sale filed by the Plaintiff pursuant to 14 M.R.S.A. section 6324.

WHEREFORE, Samuel Sherry as Special Administrator of the Estate of Kathrine M. Clark having consented to Judgment of Foreclosure and having waived the 90 day redemption period and right to appeal it is hereby ordered that, Plaintiff shall sell The Estate of Kathrine

Clark's real estate, free and clear of all liens and encumbrances pursuant to Title 14 M.R.S.A. § 6321 et. seq. and shall disburse the proceeds of sale as follows:


A. The first \$266,095.30 plus interest, pursuant to the terms of said Note and mortgage, to Plaintiff, Nationstar Mortgage LLC, on account of its mortgage, together with attorney fees, costs, escrow deficits and all other sums allowed under the terms of the Plaintiff's mortgage, which amounts are advanced to protect the security of Plaintiff's mortgage and the publication of sale and sale of the mortgaged property, up to and including the date of sale. Post-judgment interest accrues at 7.250%; and

B. Any surplus to the Defendant.

Plaintiff shall not be entitled to a deficiency against the Estate of Kathrine M. Clark.

The Clerk is specifically directed pursuant to M.R. Civ.P. Rule 79(a) to enter this Judgment on the civil docket by a notation incorporating it by reference.

DATED: 6/26/14




JUDGE, MAINE DISTRICT COURT
E. Paul Eggert

Date docketed by Court: June 27, 2014

STATE OF MAINE
Cumberland, ss, Clerk's Office
JUN 27 2014
RECEIVED

AGREED AND ACCEPTED. On behalf of the Estate of Katherine M. Clark I consent to entry of judgment as stated above, waive all right to appeal and waive all right to redeem this property.

DATED JUNE 24, 2014



Estate of Katherine M. Clark
By: Samuel M. Sherry
Special Administrator

P.O. Box 7875
Portland, ME 04112-7875
207 799-8485

Doc. _____

Exhibit A
5 Peaceful Lane
Windham, Maine

A certain lot or parcel of land with the buildings thereon, situated in the Town of Windham, County of Cumberland and State of Maine, being Lot Number Eleven (11), Lot Number Twelve (12), and Lot Number Thirteen (13) as shown on a plan entitled Highland Lake Haven, surveyed by Nisbet & Griffin, Inc., May, 1933, recorded in the Cumberland County Registry of Deeds in Plan Book 21, Page 35, to which plan reference is hereby made for a more particular description.

This conveyance is also made subject to rights of any parties which may have accrued over the years to use Haven Road as it exists at the time of this conveyance and a right of way which runs from Haven Road easterly towards Highland Lake.

Also hereby conveying a right to use Haven Road or the right of way for access to Highland Lake to the extent the Jonne J. Trees may convey this right.

Also conveying all my right, title and interest in and to a right of way in common with others as it now exists as set forth in a deed from Pasquale M. Maiorano to Jonne J. Trees dated September 7, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6266, Page 221.

Subject to all easements and restrictions of record, if any.

Being the same premises as conveyed from Trevor R. Maxwell and Sarah J. Maxwell of equal or close date and recorded in the Cumberland County Registry of Deeds immediately prior hereto.

