

STATE OF MAINE
PENOBSCOT, ss.

SUPERIOR COURT
Docket No. CV-2009-202
27111 - PEN - 12/9/2010

PEOPLE'S UNITED BANK,)
)
 Plaintiff)
)
 vs.)
)
 ADAM B. CYR,)
)
 Defendant)

ORDER AND JUDGMENT

This matter came before the Court on the motion for summary judgment filed by the plaintiff, People's United Bank. In its Complaint the Plaintiff assert a claim as against the Defendant as the maker of a commercial promissory note dated July 11, 2007 in the original principal amount of \$38,000.00 ("the Note").

The motion of the Plaintiff for summary judgment was filed pursuant to M.R.Civ.P. 56, and no opposition was filed. Based upon the pleadings and the affidavits filed by the Plaintiff in support of its motion, the Court finds that there is no genuine issue of material fact and that the Plaintiff is entitled to judgment as a matter of law on its Complaint. Further, the Court specifically finds the following:

(1) Each of the factual recitals hereinabove is specifically adopted as a finding of fact or conclusion of law (as appropriate).

(2) The Defendant is in default of his payment obligations pursuant to the terms of the Note, having failed to pay the amounts and on the schedule set forth in the Note.

(3) As of September 28, 2010 the amount due and owing to the Plaintiff pursuant to the terms of the Note (exclusive of attorneys' fees and costs) included the following:

principal:	\$18,557.89
accrued interest:	576.72
accrued late charges:	122.28
Total:	\$19,256.89

per diem interest rate: \$5.28

Interest continues to accrue on the Note at the same rate as is set forth in the Note¹ until the obligation has been satisfied. 14 M.R.S.A. § 1602-C(1)(A).

(4) The Plaintiff is entitled as a matter of contract to recover its reasonable attorney fees in connection with this

¹ Interest accrues at the rate of 10.25% per annum.


action to enforce the Note. The Court specifically finds that the Plaintiff is entitled to include the sum of \$ 3529.61 / \$3,529.61 as its reasonable attorney fees and costs and which sum is part of the claim of the Plaintiff as against the Defendant.

Accordingly, it is hereby ORDERED, that judgment be and is hereby entered in favor of the Plaintiff and against Defendant Adam B. Cyr in the aggregate of the sums set forth in paragraphs (3) and (4) hereinabove, with additional interest accruing from September 29, 2010 as provided in paragraph (3).

The Court further finds, pursuant to M.R.Civ.P. 54(b)(2), that the Plaintiff's claims for attorney fees are integral to the relief sought. The Plaintiff may file an application for additional attorney fees and costs within thirty (30) days after the entry of this Order and Judgment.

The Clerk is directed to enter this Order and Judgment upon the docket by reference pursuant to M.R.Civ.P. 79(a).

Dated: 12/9/10



JUSTICE, SUPERIOR COURT
Ann Murray

Order and Judgment entered upon the docket on 12/20/10