

STATE OF MAINE
YORK, SS

SUPERIOR COURT
LOCATION: ALFRED
DOCKET NO. CV-2016-102

U.S. Bank, N.A., Successor Trustee to
LaSalle Bank National Association, on
Behalf of the Holders of Bear Stearns
Asset Backed Securities I Trust 2007-
HE5, Asset-Backed Certificates Series
2007-HE5

Plaintiff

vs.

Aegis Lending Corporation
Defendant

Mortgage Electronic Registration
Systems, Inc., as nominee for Aegis
Lending Corporation,
Michael M. Cozzone, Jr. and
Joan C. Cozzone,
Wells Fargo Bank, N.A.,
FIA Card Services, N.A.,
Discover Bank,

Parties-In-Interest

ORDER

TITLE TO REAL ESTATE IS
INVOLVED

MORTGAGED PREMISES:

22 Montreal Street
Sanford, ME 04073
Book 15133, Page 285

This matter is before the Court on Plaintiff's Motion for Default Judgment and Judgment on the Pleadings. The Court specifically finds that there is justiciable controversy and that declaratory relief is appropriate to remove the uncertainty in the chain of title to the mortgage, as raised by the *Greenleaf* decision, regarding assignments of mortgages for nominees. *Bank of America, N.A. v. Greenleaf*, 2014 ME 89 (Me. 2014). As holder of the promissory note, Plaintiff is entitled to bring this action to confirm its rights in the subject mortgage. This is consistent with well settled precedent discussing Maine mortgage title theory. *See Jordan v. Cheney*, 74 Me. 359 (1883).

Having considered the pleadings, this Court finds that after service in compliance with Maine Rules of Civil Procedure, neither the Defendant, Aegis Lending Corporation, has not answered or otherwise appeared in this action, the Party-In-Interest, Mortgage Electronic Registration Systems, Inc., as nominee for Aegis Lending Corporation, has not answered or otherwise appeared in this action, the Parties-In-Interest, Michael Cozzone, Jr. and Joan Cozzone, have answered or otherwise appeared in this action, the Party-In-Interest, Wells Fargo Bank, N.A.,

has not answered or otherwise appeared in this action, the Party-In-Interest, FIA Card Services, N.A., has not answered or otherwise appeared in this action, the Party-In-Interest, Discover Bank, has not answered or otherwise appeared in this action.

Accordingly, for good cause shown, it is hereby ORDERED that;

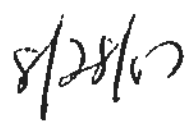
Plaintiff is GRANTED default judgment in this matter; and

This Court ORDERS, confirms and ratifies, *nunc pro tunc*, the transfer of the mortgage, dated February 9, 2007, and recorded in the York County Registry of Deeds in Book 15133, Page 285, as evidenced by the assignment to U.S. Bank, N.A., Successor Trustee to LaSalle Bank National Association, on Behalf of the Holders of Bear Stearns Asset Backed Securities I Trust 2007-HE5, Asset-Backed Certificates Series 2007-HE5 recorded in the York County Registry of Deeds in Book 17204, Page 381; and all the rights contained therein, including ownership, to U.S. Bank, N.A., Successor Trustee to LaSalle Bank National Association, on Behalf of the Holders of Bear Stearns Asset Backed Securities I Trust 2007-HE5, Asset-Backed Certificates Series 2007-HE5; and

The Court also enters in rem permanent injunction relief concerning the subject property mortgage recorded on April 18, 2007. The Court finds the Plaintiff is the owner and holder of both the subject Note and Mortgage Deed, *nunc pro tunc* as of the date of the Mortgage Assignment to the Plaintiff, February 29, 2016.



Justice, Superior Court



ENTERED ON THE DOCKET ON: 8/28/17

ALFSC-CV-2016-102

ATTORNEY FOR PLAINTIFF:

JOHN DOONAN, ESQ.
DOONAN GRAVES & LONGORIA
100 CUMMINGS CENTER, SUITE 225D
BEVERLY MA 01915

DEFENDANT AEGIS LENDING CORPORATION, PRO SE
MAINE SECRETARY OF STATE, BUREAU OF CORPS
111SWELL STREET, 4TH FLOOR
AUGUSTA ME 04333

DISCOVER BANK, PARTY-IN-INTEREST
502 EAST MARKET STREET
GREENWOOD DE 19950

WELLS FARGO BANK, PARTY-IN-INTEREST
101 NORTH PHILLIPS AVE
SIOUX FALLS SD 57104

JOAN COZZONE, PARTY-IN-INTEREST
18B RANKIN STREET
SPRINGVALE ME 04083

MICHAEL M. COZZONE, PARTY-IN-INTEREST
1 BUTLER STREET, APT 11
SPRINGVALE ME 04083

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., PARTY-IN-INTEREST
1818 LIBRARY STREET, SUITE 300
RESTON VA 20190

FIA CARD SERVICES NA, PARTY-IN-INTEREST
1100 NORTH KING STREET
WILMINGTON DE 19801