

FIRST HORIZON HOME LOANS,  
a division of FIRST TENNESSEE BANK NATIONAL ASSOCIATION

v.

THOMAS H. CARROLL et al.

Submitted on Briefs February 24, 2011  
Decided March 22, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Thomas H. Carroll and Kari S. Carroll appeal from a final judgment of foreclosure and sale entered in the District Court (Wiscasset, *Tucker, J.*). The Carrolls failed to timely oppose First Horizon Home Loans' motion for summary judgment; on appeal, they argue the merits of a variety of claims. Because the Carrolls failed to answer the original complaint or file an opposition to the motion for summary judgment, they waived their right to oppose the summary judgment motion. *See* M.R. Civ. P. 56(h)(4) ("Facts contained in a supporting or opposing statement of material facts, if supported by record citations as required by this rule, shall be deemed admitted unless properly controverted."); *see also Portland Stage Co. v. Bad Habits Live*, 2001 ME 110, ¶ 5, 775 A.2d 1132, 1133-34; *Peoples Heritage Sav. Bank v. Pease*, 2002 ME 82, ¶ 14, 797 A.2d 1270, 1275. In addition, and contrary to the Carrolls' assertion, they are not entitled to special consideration in deference to their status as pro se litigants. *See JPMorgan Chase Bank v. Harp*, 2011 ME 5, ¶ 14 n.6, 10 A.3d 718, 721.

The entry is:

Judgment affirmed.

**Kari S. Carroll and Thomas H. Carroll, pro se:**

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Wiscasset District Court docket number RE-2008-128  
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