

WELLS FARGO BANK, N.A.

v.

GEORGE HINES et al.

Submitted on Briefs October 31, 2013

Decided November 19, 2013

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

MEMORANDUM OF DECISION

George and Mary Hines appeal from a judgment entered in the District Court (Augusta, *Dobson, J.*) awarding summary judgment in favor of Wells Fargo Bank, N.A., on its complaint for a judgment of foreclosure. Although the Hineses assign numerous errors to the court's judgment, they failed to preserve many of the issues raised for the first time in their brief on appeal. *See Chasse v. Mazerolle*, 580 A.2d 155, 156-57 (Me. 1990) (stating that issues raised for the first time on appeal are not preserved for appellate review).

Although the Hineses properly preserved the issue of whether Wells Fargo had made accounting errors in assessing the Hineses' outstanding obligations, *see, e.g., Wells v. Portland Yacht Club*, 2001 ME 20, ¶ 5, 771 A.2d 371, they failed to properly controvert Wells Fargo's assertions that it was entitled to a judgment of foreclosure by providing a supporting statement of material facts. *See HSBC Bank USA, N.A. v. Gabay*, 2011 ME 101, ¶ 22, 28 A.3d 1158 ("The rule is straightforward. Facts not set forth in the statement of material facts are not in the summary judgment record[.]" (quotation marks and alterations omitted)). Further, the court did not err in awarding summary judgment in favor of Wells Fargo based on the evidence in the record, viewed in the light most favorable to the Hineses. *See id.* ¶ 8 (providing the relevant standard of review); *Chase Home Fin. LLC v. Higgins*,

2009 ME 136, ¶ 11, 985 A.2d 508 (discussing the minimum facts required to support summary judgment in a residential mortgage foreclosure action).

The entry is:

Judgment affirmed.

On the briefs:

Mary E. Hines, pro se appellant

William B. Jordan, Esq., Shapiro & Morley, LLC, South Portland, for
appellee Wells Fargo Bank, N.A.