

U.S. BANK, NATIONAL ASSOCIATION

v.

J. CHRISTOPHER WINNE et al.

Submitted on Briefs September 23, 2014
Decided September 25, 2014

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

MEMORANDUM OF DECISION

U.S. Bank, National Association (“the Bank”) appeals from a judgment as a matter of law entered in the District Court (Bangor, *Anderson, J.*) in favor of J. Christopher and Jane Winne on the Bank’s complaint for foreclosure. The Bank contends that the court erred when it found that the loan servicer’s records were unreliable and concluded that the Bank failed to prove the amount due on the mortgage. The trial court’s assessment of the persuasiveness of exhibits is a factual issue, which we review only for clear error. *Crowley v. Dubuc*, 430 A.2d 549, 552 (Me. 1981). The court’s finding that the records were inaccurate was supported by competent evidence in the record and was not clearly erroneous. *See In re Estate of Snow*, 2014 ME 105, ¶ 11, --- A.3d ---. Thus, the court properly entered judgment as a matter of law. *See* M.R. Civ. P. 50(d); *Bank of America, N.A. v. Greenleaf*, 2014 ME 89, ¶ 18, 96 A.3d 700. We decline to impose sanctions, however, because we conclude that the Bank’s appeal is not frivolous. *See* M.R. App. P. 13(f); *Hayden v. Orfe*, 2006 ME 56, ¶ 9, 896 A.2d 968.

The entry is:

Judgment affirmed. Motion for imposition of sanctions denied.

On the briefs:

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