

WELLS FARGO BANK, N.A.

v.

ESTATE OF FLORENCE W. BICKFORD et al.

Submitted on Briefs December 1, 2014

Decided December 4, 2014

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

MEMORANDUM OF DECISION

Wells Fargo Bank, N.A., appeals from a decision of the District Court (Rockland, *Worth, J.*) denying its motion for relief from a 2010 foreclosure judgment in its favor as to property of the Estate of Florence W. Bickford.¹ Contrary to the Bank's contentions, and given the Bank's failure to supply the record from which the court's findings on the motion could be evaluated, the court neither erred nor exceeded its discretion in denying Wells Fargo relief from the judgment pursuant to M.R. Civ. P. 60(b)(6), nor in declining to extend the period for a public sale pursuant to 14 M.R.S. § 6323(3) (2013).² See *Ezell v. Lawless*, 2008 ME 139, ¶¶ 19, 28-30, 955 A.2d 202; *Marshall v. Webber*, 2008 ME 126, ¶ 1, 955 A.2d 751. Neither did the court err in entertaining the objections to the motion filed by Kenneth L. Bickford, a party in interest. See *Kondaaur Capital Corp. v. Hankins*, 2011 ME 82, ¶ 10, 25 A.3d 960.

¹ The foreclosure complaint and judgment named as the defendant Paul A. Bickford in his capacity as personal representative of the Estate. As parties in interest, the complaint and judgment named Paul individually as an heir; Kenneth L. Bickford as an heir; the Secretary of Housing and Urban Development of Bangor, Maine; and Maine Revenue Services.

² Wells Fargo has both title to and possession of the property. Thus, the only effect of the delayed sale is Wells Fargo's inability to collect any deficiency. See 14 M.R.S. § 6324 (2013).

The entry is:

Judgment affirmed.

On the briefs:

Jonathan M. Flagg, Esq., Flagg Law, PLLC, Portsmouth, New Hampshire, for appellant Wells Fargo Bank, N.A.

Edward G. Dardis, Esq., Howard & Bowie, P.A., Damariscotta, for appellee Kenneth L. Bickford