

SUNTRUST MORTGAGE, INC.

v.

LESLIE A. REIS

Submitted on Briefs April 29, 2014
Decided May 8, 2014

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

MEMORANDUM OF DECISION

Leslie A. Reis appeals from a judgment of foreclosure and sale entered by the Superior Court (Cumberland County, *Mills, J.*) in favor of Suntrust Mortgage, Inc. Contrary to Leslie's contentions, her appeal is not timely. The motion filed by Michael C. Reis, Leslie's husband and agent under a power of attorney, to set aside the judgment of foreclosure and sale was a nullity, as Michael was not a party to the action or a licensed attorney. *See Haynes v. Jackson*, 2000 ME 11, ¶ 15, 744 A.2d 1050 (stating "the power of attorney statute does not authorize [the agent] to appear personally in court for . . . [the] principal" and that any action the agent took on the principal's behalf "can be given no effect"); *Boyer v. Boyer*, 1999 ME 128, ¶ 4 n.2, 736 A.2d 273 (noting that the Superior Court correctly gave a filing by a non-party no effect). Because the motion to set aside was a nullity, the pendency of the motion did not stay the running of the time to file an appeal, and the notice of appeal was filed out of time. *See* M.R. App. P. 2(b)(3) (providing that an appellant in a civil matter must file a notice of appeal within twenty-one days of entry of the judgment or order appealed from); *Thomas v. BFC Marine/Bath Fuel Co.*, 2004 ME 27, ¶ 5, 843 A.2d 3 (stating that the "time requirements for taking an appeal are jurisdictional").

The entry is:

Appeal dismissed.

On the briefs:

Peter W. Evans, Esq., Peter W. Evans Attorney at Law, LLC,
Portland, for appellant Leslie A. Reis

Elizabeth M. Crowe, Esq., Bendett & McHugh, P.C., Farmington,
Connecticut, for appellee Suntrust Mortgage, Inc.