

CITIBANK, N.A. AS SUCCESSOR TRUSTEE TO U.S. BANK NATIONAL
ASSOCIATION AS TRUSTEE OF THE MASTR ASSET SECURITIZATION
TRUST 2006-1

v.

TODD PARK MEROLLA et al.

Argued December 9, 2015
Decided December 17, 2015

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

MEMORANDUM OF DECISION

Camden National Bank, a second mortgage holder and party in interest to the proceeding, appeals from the final order of the District Court (Wiscasset, *Raimondi, J.*) granting the motion of Citibank, N.A. as Successor Trustee to U.S. Bank National Association as Trustee of the MASTR Asset Securitization Trust 2006-1 for voluntary dismissal and dismissing Citibank's complaint for foreclosure without prejudice. *See* M.R. Civ. P. 41(a)(2). Contrary to Camden's contentions, the record reflects that Citibank lacked standing to maintain the foreclosure action. *See* 14 M.R.S. § 6321 (2014);¹ *Bank of America, N.A. v. Greenleaf*, 2014 ME 89, ¶¶ 9, 10, 12-16, 96 A.3d 700. As such, the court properly dismissed the action without prejudice. *See Homeward Residential, Inc. v. Gregor*, 2015 ME 108, ¶ 24, 122 A.3d 947.

¹ Title 14 M.R.S. § 6321 has since been amended. P.L. 2015, ch. 229, § 1 (effective Oct. 15, 2015) (to be codified at 14 M.R.S. § 6321).

Further, the court did not abuse its discretion when it declined to award Camden its attorney fees. *See Kezer v. Cent. Me. Med. Ctr.*, 2012 ME 54, ¶ 28, 40 A.3d 955.

The entry is:

Judgment affirmed.

On the briefs:

Jennie L. Clegg, Esq., and Andrew C. Helman, Esq., Marcus, Clegg & Mistretta, P.A., Portland, for appellant Camden National Bank

Paul D. Weinstein, Esq., and Santo Longo, Esq., Bendett & McHugh, P.C., Portland, for appellee Citibank N.A.

At oral argument:

Andrew C. Helman, Esq., for appellant Camden National Bank

Paul D. Weinstein, Esq., for appellee Citibank N.A.