

KEVIN R. HALL et al.

v.

FELICITY A. (HYDE) FERRELL et al.

Submitted on Briefs February 26, 2015
Decided March 17, 2015

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

MEMORANDUM OF DECISION

Kevin R. Hall appeals from a judgment entered by the Superior Court (Knox County, *Hjelm, J.*) denying Hall's amended complaint to foreclose on property located in Camden. Contrary to Hall's contentions, the current owner of the mortgaged property, Camden Hills Farm by the Sea, LLC, had standing to assert as a defense Hall's failure to provide the mortgagor with notice of default and the right to cure before filing his original complaint. *See* 14 M.R.S. § 6111 (2000);¹ *see also* 5 *Tiffany Real Prop.* § 1432 (3d ed.) (explaining that one who acquires property from a mortgagor generally acquires the rights of the mortgagor). Furthermore, the court did not err in interpreting the statutory notice requirement or in finding that the requirement applied to the mortgages on the Camden property. *See* 14 M.R.S. § 6111. Finally, in light of Hall's acknowledgement that he did not provide the required notice, the court properly denied Hall's motion for summary judgment and concluded that he was not entitled to foreclose.

¹ Hall's original complaint for foreclosure was filed against Phyllis J. Hyde and her daughter Felicity A. (Hyde) Ferrell in 2000. Title 14 M.R.S.A. § 6111(1) has since been amended, though not in any way that affects the present case. *See* P.L. 2009, ch. 402, § 10 (effective Sept. 12, 2009) (codified at 14 M.R.S. § 6111(1) (2014)).

See HSBC Bank USA, N.A. v. Gabay, 2011 ME 101, ¶ 10, 28 A.3d 1158;
Camden Nat. Bank v. Peterson, 2008 ME 85, ¶ 21, 948 A.2d 1251.

The entry is:

Judgment affirmed.

On the briefs:

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Lincolntonville, for appellants Kevin R. Hall and Fire Island
Construction, Inc

Steven C. Peterson, Esq., West Rockport, for appellee Camden
Hills Farm By the Sea, LLC

Felicity A. Ferrell, appellee pro se