

THE BANK OF NEW YORK MELLON

v.

KAREN M. COLLINS

Submitted on Briefs September 28, 2015  
Decided October 13, 2015

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

MEMORANDUM OF DECISION

Karen M. Collins appeals from a judgment of the District Court (York, *Cantara, J.*) granting the Bank's motion to extend the deadline to conduct a foreclosure sale, denying Collins's motion to dismiss, and denying her motion for additional findings of fact and conclusions of law.

The District Court did not abuse its discretion in determining that the Bank had shown good cause for an extension pursuant to 14 M.R.S. § 6323(3) (2014). *See West Point-Pepperell, Inc. v. State Tax Assessor*, 1997 ME 58, ¶ 7, 691 A.2d 1211 (a court abuses its discretion when it ignores a material factor, relies on an improper factor, or makes a serious mistake weighing factors in making a discretionary, case-specific decision); *Gregory v. City of Calais*, 2001 ME 82, ¶ 9, 771 A.2d 383 (a trial court's decisions are entitled to "considerable deference because of its superior position to evaluate the credibility and good faith of the parties before it"). In addition, contrary to Collins's assertion, the District Court did not provide any assurances of a testimonial evidentiary hearing on the Bank's motion to extend or require that the Bank present testimony.

The court also was well within its discretion to extend the deadline for sale after the deadline had already passed. The plain language of section 6323(3) does

not limit when a court may extend a foreclosure sale deadline upon a showing of good cause. *See LeFay v. Coopersmith*, 576 A.2d 192, 195 (Me. 1990) (noting that “no time limit is provided in [the statute at issue] within which [a party] must seek an extension” and affirming the grant of an extension after the original deadline had passed). Finally, the court did not abuse its discretion in denying Collins’s motion for additional findings of fact and conclusions of law.<sup>1</sup>

The entry is:

Judgment affirmed.

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**On the briefs:**

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York District Court docket number RE-2009-107  
FOR CLERK REFERENCE ONLY

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<sup>1</sup> Generally, findings of fact and conclusions of law are not required for decisions on motions. *See* M.R. Civ. P. 52(a) (“The court is not required to make findings of fact and conclusions of law on decisions of motions under Rules 12 [general motions] or 56 [summary judgment] . . . .”); 3 Harvey, *Maine Civil Practice* § 52:5 at 155-56 (3d ed. 2014-2015). This Court has also made clear that motions for findings of fact are not an appropriate method of challenging, or asking a court to reconsider, a decision. *See Wandishin v. Wandishin*, 2009 ME 73, ¶ 19, 976 A.2d 949 (Maine Rule of Civil Procedure 52 motions “should not be used to attempt to require the court to explain its reasoning in reaching a particular result or to reargue points that were contested at trial and have been resolved by the court’s decision.”).