

CITIMORTGAGE, INC.

v.

NORTHEAST TRADING CORP. et al.

Submitted on Briefs October 21, 2015

Decided October 27, 2015

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

MEMORANDUM OF DECISION

Northeast Trading Corp. (Northeast) appeals from a judgment of the District Court (Biddeford, *Cantara, J.*) dismissing CitiMortgage, Inc.'s complaint seeking to foreclose on Robert and Judith St. Onge's real property in Lyman. Contrary to Northeast's contentions, the court did not err in dismissing the complaint without prejudice on CitiMortgage's motion following our decision in *Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, 96 A.3d 700. See *Bank of Am., N.A. v. Greenleaf*, 2015 ME 127, ¶¶ 7-9, --- A.3d ---; *Wells Fargo Bank v. Girouard*, 2015 ME 116, ¶ 8 n.3, --- A.3d ---; *Homeward Residential, Inc. v. Gregor*, 2015 ME 108, ¶¶ 24, 26, --- A.3d ---. In addition, on this record the court did not abuse its discretion in declining to award Northeast attorney fees and costs, nor in declining to toll CitiMortgage's imposition of interest, fees, and costs that accrued on the note during the pendency of the case, because Northeast's role in the litigation was an inherent risk of being a junior priority mortgagee. See *Jandreau v. LaChance*, 2015 ME 66, ¶ 29, 116 A.3d 1273.

The entry is:

Judgment affirmed.

On the briefs:

Jennie L. Clegg, Esq. and David C. Johnson, Esq., Marcus, Clegg & Mistretta, P.A., Portland, for appellant Northeast Trading Corp.

Leonard F. Morley, Jr., Esq., William B. Jordan, Esq., and Corey S. Hadley, Esq., Shapiro & Morley, LLC, South Portland, for appellee CitiMortgage, Inc.

Biddeford District Court docket number RE-2012-60
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