

NATIONSTAR MORTGAGE, LLC

v.

ISIDOR FARASH et al.

Argued September 13, 2016

Decided October 6, 2016

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

MEMORANDUM OF DECISION

Isidor Farash and Leanne E. Ross appeal from a judgment of the Superior Court (Cumberland County, *Horton, J.*) granting the motion of Nationstar Mortgage, LLC, to voluntarily dismiss its foreclosure complaint pursuant to M.R. Civ. P. 41(a). Although the judgment is somewhat ambiguous, the parties have interpreted it as dismissing the complaint without prejudice. Accepting their interpretation, we hold that, contrary to Farash and Ross's contention, the court did not abuse its discretion in dismissing Nationstar's foreclosure complaint without prejudice, nor did it abuse its discretion in deciding not to impose conditions on the dismissal. *See* M.R. Civ. P. 41(a); *Bayview Loan Servicing, LLC v. Bartlett*, 2014 ME 37, ¶ 10, 87 A.3d 741.

The entry is:

Judgment affirmed.

On the briefs and at oral argument:

Robert S. Hark, Esq., Portland, for appellants Isidor Farash
and Leanne E. Ross

Paula-Lee Chambers, Esq., Hinshaw & Culbertson LLP,
Boston, Massachusetts, for appellee Nationstar Mortgage,
LLC

Cumberland County Superior Court docket number RE-2014-68
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