

DEUTSCHE BANK NATIONAL TRUST COMPANY

v.

ORAM LAWRY et al.

Submitted on Briefs February 23, 2017
Decided March 7, 2017

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

MEMORANDUM OF DECISION

Oram and Lynn Lawry appeal from a judgment of the District Court (Portland, *Powers, J.*) denying their motion to vacate a final order granting Deutsche Bank National Trust Company's renewed motion to extend time within which to commence publication of sale of property occupied by the Lawrys that was subject to a foreclosure judgment previously obtained by Deutsche Bank National Trust. *See* 14 M.R.S. § 6323(3) (2016).

Contrary to the Lawrys' contentions, the court neither erred nor abused its discretion in denying their motion to vacate. *See Warren v. Waterville Urban Renewal Auth.*, 290 A.2d 362, 365 (Me. 1972); *Kolmosky v. Kolmosky*, 631 A.2d 419, 421 (Me. 1993); M.R. Civ. P. 60(b). Additionally, because the property at issue here was sold before the Lawrys filed their motion to vacate, their lack of a recognizable interest in the property caused "the controversy [to become] nonjusticiable, as there is no possibility of effective relief arising from a judicial resolution of the facts before the court." *Madore v. Me. Land Use Regulation Comm'n*, 1998 ME 178, ¶ 17, 715 A.2d 157.

The entry is:

Judgment affirmed.

David M. Hirshon, Esq., and Marshall J. Tinkle, Esq., Hirshon Law Group, PC,
Portland, for appellants Oram Lawry and Lynn Lawry

Leonard F. Morley, Jr., Esq., William B. Jordan, Esq., and Corey S. Hadley, Esq.,
Shapiro & Morley, LLC, South Portland, for appellee Deutsche Bank National
Trust Company

Portland District Court docket number RE-2008-421
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