

FEDERAL NATIONAL MORTGAGE ASSOCIATION

v.

JOHN A. CIMINO

Submitted on Briefs September 27, 2017  
Decided October 5, 2017

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

MEMORANDUM OF DECISION

John A. Cimino appeals from a judgment of foreclosure entered by the Superior Court (Cumberland County, *L. Walker, J.*) in favor of Federal National Mortgage Association on its complaint for foreclosure concerning Cimino's real property located in Portland. Because he has not provided us with transcripts of the trial proceedings, Cimino has failed to carry his burden of providing an adequate record on appeal. *State v. Milliken*, 2010 ME 1, ¶ 12, 985 A.2d 1152; *see* M.R. App. P. 5. We must therefore "assume that sufficient evidence exists to support the trial court's factual findings," including its finding that Cimino received a proper notice of default. *Milliken*, 2010 ME 1, ¶ 12, 985 A.2d 1152; *see Springer v. Springer*, 2009 ME 118, ¶ 8, 984 A.2d 828 ("[When] [t]he record is not adequate for review . . . we are bound to accept the court's factual findings and to assume that they are supported by sufficient competent evidence in the record."); *see also* 14 M.R.S. § 6111 (2015);<sup>1</sup>

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<sup>1</sup> Title 14 M.R.S. § 6111 was amended during the pendency of these proceedings but not in any way that affects this appeal. *See* P.L. 2015, ch. 36, §§ 1-2 (effective Oct. 15, 2015) (codified at 14 M.R.S. § 6111(1-A)(B), (F)-(G), (H) (2016)).

*JPMorgan Chase Bank, N.A. v. Lowell*, 2017 ME 32, ¶ 12, 156 A.3d 727. We affirm the judgment.

The entry is:

Judgment affirmed.

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G. Charles Shumway II, Esq., Falmouth, for appellant John A. Cimino

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Cumberland County Superior Court docket number RE-2014-63  
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