

DAVID BORDETSKY

v.

JAK REALTY TRUST et al.

Argued April 11, 2018
Decided April 26, 2018

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

MEMORANDUM OF DECISION

In this case, which is before us for the second time, *see Bordetsky v. JAK Realty Trust*, 2017 ME 42, 157 A.3d 233, Gregory O'Halloran, Trustee of JAK Realty Trust, and Jessica O'Halloran Smart, party-in-interest, (collectively, O'Halloran) appeal from a judgment of foreclosure and order of sale in favor of David Bordetsky entered on remand by the Superior Court (Kennebec County, *Mullen, D.C.J.*). *See* M.R. App. P. 2B(c). Contrary to O'Halloran's contention, there is sufficient evidence in the record for the court to have found the amount owed by JAK Realty Trust on the secured note. *See* 14 M.R.S. § 6322 (2017). Further, the court did not err by determining that the municipal tax lien foreclosure process as conducted by the Town of Benton did not prevent or otherwise interfere with the availability of relief to Bordetsky in this foreclosure action. *Blaney v. Inhabitants of Town of Shapleigh*, 455 A.2d 1381, 1387 (Me. 1983); *see also Stoops v. Nelson*, 2013 ME 27, ¶ 10, 61 A.3d 705.

The entry is:

Judgment affirmed.

Mark A. Kearns, Esq. (orally), and Mark L. Randall, Esq., Portland, for
appellants Gregory O'Halloran and Jessica O'Halloran Smart

Adam J. Shub, Esq. (orally), Preti Flaherty Beliveau & Pachios, LLP, Portland,
for appellee David Bordetsky

Kennebec County Superior Court docket number RE-2013-62
FOR CLERK REFERENCE ONLY