

JPMORGAN CHASE BANK, N.A.

v.

CYNTHIA A. WARD et al.

Submitted on Briefs September 26, 2018
Decided October 4, 2018

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

MEMORANDUM OF DECISION

JPMorgan Chase Bank, N.A. (JPM), foreclosed on mortgaged real estate owned by Cynthia and John Ward, sold it to itself as the sole bidder at a public auction, and filed a report of the sale and a plan for disbursement of its proceeds with the District Court. The Wards appeal from a judgment entered by the court (Bangor, *Jordan, J.*) denying their objection to the report of sale and granting JPM's motion to amend the report to reflect a lower bid than that which was accepted at the auction.

Contrary to the Wards' contention, 14 M.R.S. §§ 6323-6324 (2017) do not require that they be awarded as a surplus the difference between the amount of their indebtedness and JPM's bid at the auction exceeding that amount by \$143,990.99, given the terms and conditions governing the auction, one of which explicitly permitted JPM to reduce its bid to match the amount that the Wards owed should JPM be the highest remaining bidder. *See Vt. Mut. Ins. Co. v. Ben-Ami*, 2018 ME 125, ¶ 11, --- A.3d --- (stating that the trial court's factual findings are reviewed for clear error); *State v. McLaughlin*, 2018 ME 97, ¶ 10, 189 A.3d 262 ("As with all statutory interpretation, we begin with the statutory language while giving due weight to design, structure, and purpose.")

Furthermore, the court's factual findings are sufficient for appellate review; we discern no abuse of discretion in its decision not to make additional findings. *See Boyd v. Manter*, 2018 ME 25, ¶ 8, 179 A.3d 906.

The entry is:

Judgment affirmed.

Jon A. Languet, Esq., Languet Law, LLC, Belgrade Lakes, for appellants Cynthia A. Ward and John J. Ward

Christopher J. Somma, Esq., Parker, Ibrahim & Berg LLP, Boston, Massachusetts, for appellee JPMorgan Chase Bank, N.A.

Bangor District Court docket number RE-2010-2
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