

DEUTSCHE BANK NATIONAL TRUST COMPANY

v.

JESSE S. EDDINS JR. et al.

Argued October 7, 2019
Decided October 15, 2019

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

MEMORANDUM OF DECISION

In *Deutsche Bank Nat'l Trust Co. v. Eddins*, 2018 ME 47, 182 A.3d 1241, we vacated a judgment of foreclosure entered in favor of Deutsche Bank National Trust Company, and we remanded for entry of judgment for the mortgagor, Jesse S. Eddins Jr. The Superior Court (Penobscot County, *Mallonee, J.*) entered that judgment and denied Eddins's subsequent motion for an award of attorney fees, *see* 14 M.R.S. § 6101 (2018), which he asserted were in excess of \$50,000. Eddins appeals from the latter order.

Contrary to Eddins's contention, the court did not abuse the discretion allowed by the plain language of section 6101 when it denied his post-judgment motion after finding that the Bank had commenced and pursued the foreclosure action in good faith and did not prevail at trial only because of a deficiency in its testimonial evidence, and also concluding that other relevant factors weighed against awarding Eddins his legal fees. *See* 14 M.R.S. § 6101 ("If the mortgagee does not prevail, or upon evidence that the action was not brought in good faith, the court *may* order the mortgagee to pay the mortgagor's reasonable court costs and attorney's fees" (emphasis added)); *Homeward Residential, Inc. v. Gregor*, 2017 ME 128, ¶ 12, 165 A.3d 357; *see also Fitzpatrick v. McCrary*, 2018 ME 48, ¶ 16, 182 A.3d 737; *Estate of Miller*, 2008 ME 176, ¶ 32

& n.7, 960 A.2d 1140; *Maietta Constr., Inc. v. Wainwright*, 2004 ME 53, ¶¶ 18-19, 847 A.2d 1169.

The entry is:

Judgment affirmed.

Patrick E. Hunt, Esq., Island Falls, and Thomas A. Cox, Esq. (orally), Portland, for appellant Jesse S. Eddings Jr.

Brett L. Messinger, Esq. (orally), and Elizabeth M. Lacombe, Esq., Duane Morris LLP, Portland, for appellee Deutsche Bank National Trust Company

Lincoln District Court docket number RE-2015-12

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