

WILMINGTON SAVINGS FUND SOCIETY, FSB

v.

PAUL FLYNN et al.

Submitted on Briefs February 20, 2019

Decided February 28, 2019

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

MEMORANDUM OF DECISION

Paul Flynn appeals from a judgment of foreclosure entered by the District Court (York, *Cantara, J.*) against him and Kathleen Flynn in favor of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for BCAT 2015-14ATT. Flynn's challenges focus on Wilmington's standing to seek a foreclosure, its ownership of the mortgage, and the court's denial of the Flynns' M.R. Civ. P. 12(b)(6) motion to dismiss the complaint.

Contrary to Flynn's contention, the court did not err in concluding that Wilmington had standing to seek a foreclosure of the Eliot property because Wilmington was the mortgagee by assignment and held the promissory note. *See* 14 M.R.S. § 6321 (2018); *Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, ¶¶ 6-17, 96 A.3d 700; *see also Wells Fargo Bank, N.A. v. Burek*, 2013 ME 87, ¶¶ 5, 21 & n.7, 81 A.3d 330. The court also did not err in denying the Flynns' M.R. Civ. P. 12(b)(6) motion to dismiss Wilmington's foreclosure complaint for failure to state a claim because the complaint was legally sufficient to overcome such a motion. *See* 14 M.R.S. § 6321; *see also Argereow v. Weisberg*, 2018 ME 140, ¶ 12, 195 A.3d 1210 ("This is a process that tests the legal sufficiency of the

allegations in a complaint, not the sufficiency of the evidence the plaintiffs are able to present.”).

To the extent Flynn raises any other issues on appeal, his arguments are either without merit or are not properly argued, and we do not consider them further. See *Bayview Loan Servicing, LLC v. Bartlett*, 2014 ME 37, ¶ 15 n.5, 87 A.3d 741 (stating that arguments not adequately developed by a party in briefing are waived); *Mehlhorn v. Derby*, 2006 ME 110, ¶ 11, 905 A.2d 290 (“[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.”); *Dep’t of Environmental Protection v. Woodman*, 1997 ME 164, ¶ 3 n.3, 697 A.2d 1295 (“It is well established that pro se litigants are held to the same standards as represented parties.”).

The entry is:

Judgment affirmed.

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Paul Flynn, appellant pro se

John Michael Ney, Jr., Esq., Brock and Scott, PLLC, Pawtucket, Rhode Island, for appellee Wilmington Savings Fund Society, FSB