

FEDERAL NATIONAL MORTGAGE ASSOCIATION

v.

JOHN A. CIMINO

Submitted on Briefs June 26, 2019
Decided July 2, 2019

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

MEMORANDUM OF DECISION

John A. Cimino appeals from a judgment entered by the Superior Court (Cumberland County, *Horton, J.*) denying his motion to dismiss the court's judgment of foreclosure (*L. Walker, J.*) concerning real property Cimino owns in Portland.¹ Contrary to Cimino's contention, the court did not err in finding on this record that the ninety-day period of redemption following the foreclosure judgment had run before the Federal National Mortgage Association (FNMA) accepted a payment from Cimino, and so FNMA's acceptance of the payment did not constitute a waiver of the foreclosure. *See* 14 M.R.S. §§ 6321, 6322 (2018). We further conclude that the court did not abuse its discretion in denying Cimino equitable relief pursuant to M.R. Civ. P. 60(b). *See Keybank Nat'l Ass'n v. Sargent*, 2000 ME 153, ¶¶ 11, 13, 15, 758 A.2d 528.

¹ We previously affirmed the judgment of foreclosure on direct appeal. *Fed. Nat'l Mortg. Ass'n v. Cimino*, Mem-17-81 (Oct. 5, 2017).

The entry is:

Judgment affirmed.

Mark A. Kearns, Esq., and Mark L. Randall, Esq., Portland, for appellant John A. Cimino

Santo Longo, Esq., and Andrew Schaefer, Esq., Bendett & McHugh, P.C., Portland, for appellee Federal National Mortgage Association

Cumberland County Superior Court docket number RE-2014-63
FOR CLERK REFERENCE ONLY