

U.S. BANK TRUST N.A., NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS
OWNER TRUSTEE FOR CARISBROOK ASSET HOLDING TRUST

v.

DONNA M. FONSECA et al.

Submitted on Briefs January 23, 2020
Decided January 30, 2020

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

MEMORANDUM OF DECISION

U.S. Bank Trust N.A., not in its individual capacity but solely as Owner Trustee for Carisbrook Asset Holding Trust (the Bank), appeals from a judgment of the District Court (Farmington, *Dow, J.*) in favor of Donna M. Fonseca, both individually and as personal representative of the estate of Daniel J. Fonseca, on the Bank's foreclosure complaint. Contrary to the Bank's contentions, we see no error in the court's conclusion that the loan payment records were inadmissible pursuant to M.R. Evid. 803(6). *See M & T Bank v. Plaisted*, 2018 ME 121, ¶ 26 n.8, 192 A.3d 601; *HSBC Mortg. Servs., Inc. v. Murphy*, 2011 ME 59, ¶¶ 10-11, 19 A.3d 815. Because the court did not err in holding those records inadmissible, we need not and do not address its handling of the notice of right to cure.

The entry is:

Judgment affirmed.

Andrew J. Schaefer, Esq., Bendett & McHugh, P.C., Portland, for appellant U.S. Bank Trust, N.A.

Donna M. Fonseca and the Estate of Daniel J. Fonseca did not file a brief

Farmington District Court docket number RE-2018-4
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