

1900 CAPITAL TRUST II, BY U.S. BANK TRUST N.A., NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE

v.

ERIC A. MOYNIHAN et al.

Argued October 5, 2021
Decided October 12, 2021

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Eric A. Moynihan and Deborah A. Moynihan appeal from a judgment of foreclosure entered in the Superior Court (Cumberland County, *Horton, J.*) on the complaint of 1900 Capital Trust II, by U.S. Bank Trust N.A., not in its individual capacity but solely as certificate trustee (the Bank). Contrary to the Moynihans' contentions, we discern no error or abuse of discretion in the court's admission of the notices of default and right to cure sent to the Moynihans or in its admission of the loan servicers' transaction records. *See* M.R. Evid. 803(6); *Deutsche Bank Tr. Co. Ams. v. Clifford*, 2021 ME 11, ¶ 8, 246 A.3d 597. We also conclude that the court did not err, as a matter of fact or law, in determining that the Bank proved each element necessary for foreclosure by a preponderance of the evidence. *See Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, ¶ 18, 96 A.3d 700; *Clifford*, 2021 ME 11, ¶¶ 13, 16 n.8, 246 A.3d 597.

The entry is:

Judgment affirmed.

Robert E. Mittel, Esq. (orally), and Scott D. Dolan, Esq., MittelAsen, LLC, Portland, for appellants Eric A. Moynihan and Deborah A. Moynihan

William Fogel, Esq. (orally), Bendett & McHugh, P.C., Portland, for appellee 1900 Capital Trust II, by U.S. Bank Trust N.A., not in its individual capacity but solely as certificate trustee

Cumberland County Superior Court docket number RE-2017-302
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