

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

v.

KRISTINE L. NEIL

Argued November 1, 2022

Decided March 16, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and  
LAWRENCE, JJ.

MEMORANDUM OF DECISION

Kristine L. Neil appeals from a judgment of foreclosure entered by the District Court (Bangor, *Anderson, J.*) on the complaint of JPMorgan Chase Bank, National Association. Before JPMorgan filed its complaint in this matter, it had obtained an earlier foreclosure judgment against Neil, the parties had agreed to modify the promissory note and mortgage before the date that JPMorgan would have been required to conduct a public sale, and JPMorgan had executed a waiver of the foreclosure. Contrary to Neil's contention, the trial court did not err in concluding, on the record before it, that JPMorgan's subsequent foreclosure action was not claim precluded. *See* 14 M.R.S. § 6323(1) (2017);<sup>1</sup> *Doe v. Forino*, 2020 ME 135, ¶¶ 7-8, 242 A.3d 1098; *Dow v. Moor*, 59 Me. 118, 120 (1871); *Winchester v. Ball*, 54 Me. 558, 560-61 (1867). The court also did not err in determining that JPMorgan had a sufficient interest in the note at issue to seek enforcement in a judicial foreclosure proceeding. *See Bank of Am.,*

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<sup>1</sup> Title 14 M.R.S. § 6323(1) has been amended since JPMorgan executed its waiver of the earlier foreclosure judgment. *See* P.L. 2019, ch. 408, § 1 (effective Sept. 19, 2019) (codified at 14 M.R.S. § 6323(1) (2022)). Neil has not argued that the Legislature intended for the amended version to be applied retroactively. *Cf. Salenius v. Salenius*, 654 A.2d 426, 429-30 (Me. 1995).

*N.A. v. Cloutier*, 2013 ME 17, ¶¶ 16, 18, 61 A.3d 1242; *Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, ¶¶ 9-11, 96 A.3d 700; 11 M.R.S. §§ 1-1201(5), (21), 3-1301 (2022).

The entry is:

Judgment affirmed.

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Patrick E. Hunt, Esq. (orally), Patrick E. Hunt, P.A., Island Falls, for appellant  
Kristine L. Neil

William Fogel, Esq. (orally), Bendett & McHugh, P.C., Portland, for appellee  
JPMorgan Chase Bank, National Association

Lincoln District Court docket number RE-2018-51  
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