

VON SCOTT

v.

U.S. BANK NATIONAL ASSOCIATION

Submitted on Briefs March 27, 2024
Decided April 23, 2024

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

MEMORANDUM OF DECISION

Von Scott appeals from an order of the Superior Court (York County, *Mulhern, J.*) dismissing his complaint pursuant to Maine Rule of Civil Procedure 12(b)(6) because it failed to state a cognizable wrongful foreclosure claim against U.S. Bank National Association.

On June 30, 2016, U.S. Bank filed a complaint for foreclosure by civil action against Diane and Shane Janelle regarding property located at 439 Pool Street in Biddeford. U.S. Bank recorded the foreclosure complaint at the York County registry of deeds on July 13, 2016. The matter went to trial on May 17, 2019. On July 2, 2019, the court entered a judgment of foreclosure that was not appealed, as far as the record shows.

Scott's complaint alleges that he acquired title to the 439 Pool Street property from the Janelles on August 13, 2021, and that U.S. Bank wrongfully foreclosed on his interest in the property. Scott's complaint, however, did not state a claim upon which relief could be granted because the Janelles had no legal or equitable interest in the property as of August 2021, well after their

equity of redemption had expired.¹ 14 M.R.S § 6322 (2023) (providing that a 90-day equity of redemption period runs from the date of foreclosure judgment unless the judgment is appealed); *see also Martel v. Bearce*, 311 A.2d 540, 543 (Me. 1973) (concluding that a mortgagor’s legal title is conveyed upon execution of the mortgage and “equitable title disappeared with the expiration of the period of redemption”).

The entry is:

Judgment affirmed.

Von Scott, appellant pro se

Elizabeth M. Lacombe, Esq., Duane Morris LLP, Hartford, Connecticut, for
appellee U.S. Bank National Association

York County Superior Court docket number RE-2023-30
FOR CLERK REFERENCE ONLY

¹ The court properly considered the Bank’s foreclosure complaint and judgment along with the purported conveyance to Von Scott in deciding the Bank’s Rule 12(b)(6) motion because they were integral to Von Scott’s complaint. *See Moody v. State Liquor & Lottery Comm’n*, 2004 ME 20, ¶ 11, 843 A.2d 43 (stating that “official public documents, documents that are central to the plaintiff’s claim, and documents referred to in the complaint may be properly considered on a motion to dismiss without converting the motion to one for a summary judgment when the authenticity of such documents is not challenged”).