

GE CAPITAL MORTGAGE SERVICES, INC.

v.

ROGER F. MILLER

and

DEBORA L. PEARSON, a.k.a. DEBRA L. PEARSON,
a.k.a. DEBORAH L. PEARSON

Submitted on Briefs March 7, 2002

Decided March 27, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER, and
CALKINS, JJ.

MEMORANDUM OF DECISION

Roger F. Miller and Debora L. Pearson, a.k.a. Debra L. Pearson, a.k.a. Deborah L. Pearson, appeal from a summary judgment of foreclosure entered in the District Court (Biddeford, *Mullen, J.*). Contrary to their contentions, the court acted within the bounds of its discretion in accepting GE Capital's amended statement of material facts, *see* M.R. Civ. P. 56(h)(3) (permitting a reply statement of material facts); *cf.* M.R. Civ. P. 15 (permitting courts to accept amended pleadings), and GE Capital had standing to foreclose on the parties' corrective mortgage, *Dumais v. Gagnon*, 433 A.2d 730, 737 (Me. 1981) (holding that a reformation "relates back in time to the execution of the reformed instrument" if it does not affect a third party's reliance interest); *Fitch v. Lewiston Steam Mill Co.*, 80 Me. 34, 36, 12 A. 732, 732-

33 (1888) (stating that, as between the parties, a deed that the parties do not otherwise dispute “is valid, though not acknowledged”).

The entry is:

Judgment affirmed.

Attorney for plaintiff:

David A. Dunlavey, Esq.
Phillips, Olore, Dunlavey & York, P.A.
P O Box 1087
Presque Isle, ME 04769-1087

Attorney for defendants:

James B. Barlett, Esq.
P O Box 836
York, ME 03909