

SAMUEL NORBECK

v.

LAWRENCE H. ECKERT  
and  
DIANE F. ECKERT

Submitted on Briefs May 30, 2002  
Decided June 18, 2002

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

#### MEMORANDUM OF DECISION

Lawrence and Diane Eckert appeal from a summary judgment for a foreclosure and sale entered by the District Court (Wiscasset, *Westcott, J.*). Contrary to their contentions, the court did not err in granting a summary judgment because Samuel Norbeck's statement of material facts is deemed admitted due to the Eckerts' failure to file an opposing statement of material facts. *See* M.R. Civ. P. 56(h)(2) and (4).<sup>1</sup>

The entry is:

Judgment affirmed.

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1. The Eckerts may redeem the mortgage pursuant to 14 M.R.S.A. § 6322 (Supp. 2001) ("On mortgages executed on or after October 1, 1975, the period of redemption shall be 90 days from the date of the judgment."). The court entered its summary judgment of foreclosure on November 29, 2001. *See also* M.R. Civ. P. 62(e) ("the taking of an appeal from a judgment shall operate as a stay of execution upon the judgment during the pendency of the appeal").

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