

CHASE MANHATTAN MORTGAGE CORPORATION

v.

JAMES P. WAITE

Submitted on Briefs March 24, 2003  
Decided April 23, 2003

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

James P. Waite appeals a summary judgment entered in the District Court (Bangor, *Russell, J.*) in favor of Chase Manhattan Mortgage Corporation on its complaint for foreclosure of real estate located on Husson Avenue in Bangor. Contrary to Waite's contentions, he did not sufficiently controvert the statement of material facts submitted by Chase Manhattan that established its entitlement to a judgment of foreclosure, *see* M.R. Civ. P. 56(h)(4); nor did the court err in certifying the summary judgment as final, pursuant to M.R. Civ. P. 54(b), despite Waite's pending counterclaim, *see Fleet Nat'l Bank v. Gardiner Hillside Estates, Inc.*, 2002 ME 120, ¶ 12, 802 A.2d 408, 412 ("[T]he existence of a related claim

that does not affect the rights of the plaintiff should not generally prevent entry of a judgment on the plaintiff's claim.”).

The entry is:

Judgment affirmed.

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