

AMERIQUEST MORTGAGE CO.

v.

CARL O. CHURCHILL II et al.

Submitted on Briefs June 26, 2003

Decided July 9, 2003

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

MEMORANDUM OF DECISION

Carl Churchill appeals from an order of the District Court (Bridgton, *Eggert, J.*) granting Ameriquest Mortgage Company's motion for summary judgment in an action for foreclosure and sale of real property in Bridgton. Churchill argues that the court (1) erred in granting Ameriquest's motion for summary judgment because he was not given proper notice of the right to cure his default when Ameriquest mailed notice of its intention to enforce the mortgage to Churchill's home address and not to the Bolduc Correctional Facility, where Churchill was incarcerated, and (2) prevented him from presenting his defense at the summary judgment hearing.

The District Court properly granted summary judgment to Ameriquest, because no genuine issue of material fact existed as to whether Ameriquest

satisfied the notice requirements of the Note and Mortgage. Churchill improperly controverted Ameriquest's statement of material facts and failed to reference any record material in his opposing statement of material facts. *See Doyle v. Department of Human Serv.*, 2003 ME 61, ¶¶ 8-10, 824 A.2d 48, 52-53; M.R. Civ. P. 56(h)(2), (4).

An appellant is responsible for providing a record that is adequate for appellate review, *Putnam v. Albee*, 1999 ME 44, ¶ 10, 726 A.2d 217, 220, and because Churchill has failed to provide us with a transcript or a statement of the proceedings pursuant to M.R. App. P. 5(d), we have no means of determining whether the court prevented Churchill from presenting his defense.

The entry is:

Judgment affirmed.

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