

CAMDEN NATIONAL BANK

v.

C. RANDALL DUNICAN et al.

Argued April 11, 2007  
Decided May 8, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, CALKINS, LEVY,  
SILVER, and MEAD, JJ.

#### MEMORANDUM OF DECISION

C. Randall Dunican, Kathleen C. Dunican, The Steamship Navigation Company, Inc., RD Outfitters, and Schooner Investments, Inc.,<sup>1</sup> (Dunican) appeal from a judgment entered in Superior Court (Oxford County, *Delahanty, J.*) (1) denying Steamship's motion for revision and/or to set aside certain summary and deficiency judgments, and (2) approving Camden National Bank's request for a set-off against a judgment in favor of Dunican in a breach of contract action. Contrary to Dunican's arguments, (1) revision of and/or vacating the foreclosure

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<sup>1</sup> The Steamship Navigation Company, Inc. is a corporation controlled by C. Randall and Kathleen C. Dunican. Randall Dunican is president and treasurer of both RD Outfitters and Schooner.

and the deficiency judgment is not required as a result of our affirmation of the breach of contract judgment against the Bank, *Steamship Navigation Co. v. Camden Nat'l Bank*, 2006 ME 11, 889 A.2d 1014; (2) the trial court did not abuse its discretion in denying the relief requested pursuant to M.R. Civ. P. 54(b)(2) and/or M.R. Civ. P. 60(b); and (3) the trial court did not err in granting a set-off to the Bank. Contrary to the arguments of the parties in the appeal and the cross-appeal, neither party has demonstrated that the court erred in determining the amount of the set-off.

The entry is:

Judgment affirmed.

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