

WELLS FARGO BANK, N.A.

v.

KURT PARKS

Submitted on Briefs January 24, 2008  
Decided February 19, 2008

Panel: CLIFFORD, ALEXANDER, LEVY, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Kurt Parks appeals from an order of the Superior Court (Cumberland County, *Delahanty, J.*) denying his motion to vacate a default judgment in favor of Wells Fargo Bank, N.A.<sup>1</sup> The denial of a motion to vacate a default judgment is reviewed for an abuse of discretion. *LaFosse v. Champagne*, 2000 ME 81, ¶ 10, 750 A.2d 1254, 1256-57; *Vargelis v. Minieri*, 620 A.2d 275, 275-76 (Me. 1993). Such a motion's denial will be vacated only if it works a plain and unmistakable injustice against the defendant. *LaFosse*, 2000 ME 81, ¶ 10, 750 A.2d at 1256-57.

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<sup>1</sup> Wells Fargo Bank's October 3, 2007, motion to dismiss the appeal and October 29, 2007, motion for reconsideration of Justice Levy's October 18, 2007, order are denied. Its motion for sanctions is also denied.

We find little merit in Parks’ arguments that service was insufficient—there is no evidence that Carrington is not a “person of suitable age and discretion” or that Parks presented sufficient evidence to put Wells Fargo Bank on notice that the subject property was not his “usual place of abode.” M.R. Civ. P. 4(d)(1). Parks’ argument that he should be permitted a period of redemption is unconvincing as it runs contrary to Maine statute. 14 M.R.S. §§ 6322, 6323 (2007).

The entry is:

Judgment affirmed.

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