

SALEM CAPITAL GROUP, LLC

v.

NICHOLAS R. SROKA et al.

Submitted on Briefs November 10, 2009

Decided November 19, 2009

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Nicholas R. Sroka and Jessica Cote appeal from the summary judgment entered in the District Court (Springvale, *Foster, J.*) granting Salem Capital Group, LLC, an order for foreclosure and sale of their residential property. Sroka and Cote failed to timely oppose Salem Capital Group's motion for summary judgment, M.R. Civ. P. 7(c)(2). On appeal, they argue the merits of their position that they were misled in the loan application and approval process and that although Sroka's income may have been "grossly overstated" on his loan application, Salem Capital Group should have discovered this overstatement and not misled them with regard to the amounts to be due on the loan. Because Sroka and Cote failed to file any timely response or opposition to Salem Capital's motion for summary judgment, the facts asserted in the statement of material facts in support of summary judgment, which were supported by record citations that complied with M.R. Civ. P. 56(h)(1), were deemed admitted, *see* M.R. Civ. P. 56(h)(4), and the court properly entered summary judgment.

The entry is:

Judgment affirmed.

Nicholas Sroka and Jessica Cote, pro se:

Nicholas Sroka
94 Cross Road
Shapleigh, Maine 04076

Salem Capital Group, LLC did not file a brief.

Springvale District Court docket number RE-2009-112
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