

WELLS FARGO BANK, N.A.

v.

KRISTIN A. GILMORE

Submitted on Briefs March 3, 2009

Decided March 17, 2009

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

#### MEMORANDUM OF DECISION

Kristin A. Gilmore appeals from the judgment of the District Court (Rockland, *Worth, J.*) granting a summary judgment to Wells Fargo Bank, N.A., in its foreclosure action and denying Gilmore's M.R. Civ. P. 60(b) motion to vacate the order for service by publication. Gilmore contends that the order for service by publication was improper because it was altered after being filed and that the summary judgment should not have been granted because there remain fact disputes as to whether the mortgage was obtained by fraud and in violation of law.<sup>1</sup> Contrary to Gilmore's contentions, the court did not err in allowing correction of the order for service by publication to accurately reflect the newspaper's publication dates. *See* M.R. Civ. P. 60(a) (court on its own initiative may correct clerical mistake or error in order arising from oversight or omission). Gilmore has demonstrated no prejudice from that correction. Additionally, her opposition to the motion for summary judgment includes only conclusory allegations of impropriety in the loan process, unsupported by specific facts in the record that could create any dispute as to material fact regarding the bank's motion for summary judgment. *See Dyer v. Dep't of Transp.*, 2008 ME 106, ¶ 14, 951 A.2d 821, 825.

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<sup>1</sup> Gilmore's remaining arguments are without merit.

The entry is:

Judgment affirmed.

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