

STATE OF MAINE
SAGADAHOC, ss.

BUSINESS AND CONSUMER DOCKET
Location: West Bath
Docket No. BCD-WB-RE-08-34

RAISIN MEMORIAL TRUST,)
)
Plaintiff,)
)
vs.)
)
SHARON RYAN CASEY,)
)
Defendant.)
)

**POST-JUDGMENT ORDER
ON SANCTIONS**

Following a judicially assisted settlement conference, the parties in this matter on October 29, 2009, placed on the record of this Court settlement terms which the Court has held constituted a comprehensive and binding settlement of their pending foreclosure action. Various motions and proceedings have ensued following settlement.

On June 22, 2010, the Court entered an Order on Plaintiff's Amended Motion to Enforce Settlement and Entry of Final Judgment ("Final Judgment") affirming the binding nature of the settlement. Under the terms of the June 22, 2010 Order, Defendant was ordered to complete the settlement entered into following the judicially assisted settlement conference and the placement of the settlement terms on the record of this Court. Defendant failed to fully perform the settlement, or comply with the Final Judgment. In its Post-Judgment Notice of Defendant's Non-Compliance with the June 22, 2010 Order on Plaintiff's Amended Motion to Enforce Settlement and Entry of Final Judgment dated November 4, 2010 ("Amended Motion"), Plaintiff, Raisin Memorial Trust, among other relief, requested sanctions from the Court for its reasonable legal costs and expenses arising from Defendant's non-performance of Defendant's obligation to execute and deliver two mortgage deeds for two certain parcels of land in Blue Hill, Maine as provided in the settlement and Settlement Agreement.

Despite being given the opportunity to do so, Defendant neither filed a written submission by December 10, 2010, nor appeared at the hearing held by the Court in this matter on December 15, 2010. The Court heard argument on the matters before it, as presented by Plaintiff's counsel, including the request for sanctions, on December 15, 2010.

As set forth more fully on the record on December 15, 2010, Defendant shall have ten (10) days from the issuance of this Order to challenge the reasonableness of the professional fees and expenses sought by Plaintiff and its counsel as set forth in the Amended Motion and in the Affidavit of Plaintiff's counsel (and Exhibit thereto) submitted in furtherance thereof. Reasonableness of the professional fees shall be the only ground upon which Defendant may challenge the requested award.


In the event that Defendant does timely file an objection or other response to the reasonableness of the professional fees and expenses sought within the 10-day period set forth in this Order, then Plaintiff shall contact the Clerk and schedule a hearing to consider both the requested amounts sought and Defendant's opposition thereto.

In the absence of any timely objection by Defendant, however, the Court hereby finds and orders, based upon its own judgment, discretion, and independent review of the Affidavit of Plaintiff's attorney and the attached Exhibit as to professional fees and expenses incurred by the Plaintiff, that such requested professional fees and expenses are appropriate under all the circumstances of this case, and, accordingly, the Court imposes sanctions to be paid by Defendant to Plaintiff in the amount of \$6,170.05, for actual and necessary legal fees reasonably incurred by Plaintiff arising from Defendant's further failure to perform the settlement terms, and Plaintiff's efforts to seek enforcement thereof.

Said sanctions shall constitute a separate award to Plaintiff, for which a separate Execution may issue, independent of any prior Orders or Judgment entered by the Court in this case, and the finality of those Orders and Judgments are not affected by this separate grant of sanctions.

The Clerk is directed to incorporate this Order by reference in the docket pursuant to M.R. Civ. P. 70(a).

Dated: January 4, 2011



Thomas E. Humphrey
Chief Justice, Superior Court

1-10-11
Docketed +
copies to
parties.