

J.P. Morgan Chase Mortgage Acquisition
Corp.

v.

Camille J. Moulton

**ORDER ON MOTION TO
RECONSIDER**

J.P. Morgan Mortgage Acquisition Corp. has filed a motion to reconsider the Court's decision dated January 30, 2024. The motion included motions to suspend the rules, to clarify the decision, and to allocate fees and costs on appeal. The motion has been reviewed by the panel that decided the original appeal, except for Justice Jabar, who retired after the date of the decision.

The motion to reconsider is GRANTED IN PART. Paragraph 12 of the opinion is revised as follows:

[¶12] In *Finch v. U.S. Bank, N.A.*, we held that where a lender has not complied with the prerequisites to acceleration under section 6111, a court cannot conclude that initiation of a foreclosure action nevertheless accelerates the note balance. 2024 ME 2, ¶ 6, --- A.3d ---. Therefore, when a court enters summary judgment against a lender or dismisses the lender's foreclosure claim due to a deficient notice of the right to cure under section 6111, the effect of the judgment or dismissal of the claim is to preclude any future claim for the ~~outstanding~~ unaccelerated balance due on the note as of the date of the judgment (unless the lender has asserted a separate claim for the unaccelerated balance due). *Id.* ¶¶ 51-52. It does not preclude the lender from bringing a

future foreclosure claim based on a future default, nor does it discharge the entire mortgage or effect a transfer of title. *Id.* ¶ 52.

Because the first sentence of footnote 2 of the dissent quotes paragraph 12 of the Court’s opinion and because it omitted a word in its quotation of the Court’s opinion, that sentence is revised as follows:

We also disagree with the Court’s holding that a dismissal or summary judgment for the borrower “due to deficient notice of right to cure” under 14 M.R.S. § 6111 (2023) precludes a plaintiff from bringing “any future claim for the ~~outstanding~~ unaccelerated balance due on the note *as of the date of the judgment* (unless the lender has asserted a separate claim for the unaccelerated balance due).”

All other requests for relief in the motion are DENIED.

Dated: March 19, 2024

For the Court,

/s/ Matthew Pollack
Matthew Pollack
Clerk of the Law Court
Pursuant to M.R. App. P. 12A(b)(4)