

RICKEY G. PORELL et al.

v.

MICHAEL BELANGER et al.

Submitted on Briefs January 14, 2000
Decided January 26, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Michael and Sandra Belanger appeal from a judgment of the District Court (Springvale, *Janelle, J.*) denying their motion to recall a writ of execution issued by the court following a judgment of foreclosure and sale and denying their individual motions contesting the report of sale filed by the mortgagees, Rickey and Doris Porell. Contrary to the Belangers' contentions, the court did not err by issuing a writ of execution in the absence of a separate deficiency judgment. *See* 14 M.R.S.A. § 6324 (Supp. 1999); *Key Bank of Maine v. Walton*, 673 A.2d 701, 702 n.1 (Me. 1996); *Peoples Sav. Bank v. Spencer*, 482 A.2d 832, 834 (Me. 1984). Additionally, the court did not err by denying the Belangers' individual motions contesting the Porells' report of sale as untimely, determining that they were not filed within the thirty-day period required by 14 M.R.S.A. § 6324. The court was not compelled to reject the presumption of receipt of notice raised by the evidence, *see Graybar Elec. Co. v. Sawyer*, 485 A.2d 1384,

1387 (Me. 1985), nor was it compelled to accept the Belangers' representations that they never received notice of the filing of the report of sale notwithstanding the fact that it was mailed, *see State v. Bartlett*, 661 A.2d 1107, 1108 (Me. 1995).

The entry is:

Judgment affirmed.

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