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Successful Law Court Appeal That Clarifies Foreclosure Actions

Dan Cummings represented the Maine Credit Union League as amicus curiae in the case of *KeyBank National Association v. Elizabeth E. Keniston et al.*, 2023 ME 38, in which the appellant successfully obtained vacation of the trial court's dismissal of its foreclosure action based on the debtor's estate being a necessary party. The appellant's position, supported by the League, was that foreclosure is an *in rem* action and that extinguishment of the ability to enforce the promissory note secured by the mortgage as personal liability of the maker of the note does not also extinguish a mortgagee's right to realize on its collateral by foreclosure of the mortgage.

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