

State of New Hampshire

v.

James Lamontagne and Mortgage Electronic Registration Systems, Inc.

Docket No.: 26122-12ED

ORDER

On January 4, 2013, the board held a duly noticed hearing pertaining to the \$75,000 deposit of damages on file with the board. (Cf. RSA 498-A:11; and RSA 498-A:25.) The board sent copies of the hearing notice to both condemnees. Condemnee James Lamontagne attended the hearing, but condemnee Mortgage Electronic Registration Systems, Inc. (“MERS”) did not. According to the Declaration of Taking filed with the board, MERS is the holder of an undischarged mortgage recorded July 13, 2009.

At the hearing, Mr. Lamontagne testified he is “current” on his mortgage payments and is making those payments to Met Life Home Loans, who purchased the mortgage from the original mortgagee (Option One). He further testified to spending much time trying to communicate with MERS/Met Life and a law firm (“Orlands and Moran”) regarding his desire to have the deposit released from the board. (This law firm, although contacted by the board in August, 2012 and sent copies of the pleadings, including the Declaration of Taking, has not filed an appearance or taken any other steps to represent either MERS or Met Life.)

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Based on this record, and unless a written objection is filed within twenty (20) days, the board will issue a check for the amount of the deposit (plus any accrued interest) solely to Mr. Lamontagne.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Michele E. LeBrun, Member

Albert F. Shamash, Esq., Member

CERTIFICATION

I hereby certify that certified copies of the foregoing Order have been mailed, this date, to: Stephen G. LaBonte, Esq., State of New Hampshire, Department of Justice, 33 Capitol Street, Concord, NH 03301, counsel for the Condemnor; James Lamontagne, 24 Old Bridge Street, Pelham, NH 03076, Condemnee; and Mortgage Electronic Registration System, Sharon Horstkamp, Corporate Counsel, 1901 Vorhees Street, Suite 3, Danville, IL 61834, Mortgagee.

Dated: 1/7/13

Anne M. Stelmach, Clerk