

SUPREME JUDICIAL COURT OF MAINE

Tidewater Loft Condominium Association v. Judith L. Moskal-Kanz

2026 ME 46 · No. Yor-25-325 · Decided May 21, 2026

SUMMARY

The Maine Supreme Judicial Court vacated a judgment ordering foreclosure and sale of a condominium unit and ruling against the owner on her counterclaim under the Fair Housing Act and Americans with Disabilities Act. The court held that the trial court violated the owner's procedural due process rights by preventing her from presenting evidence on her counterclaim before entering judgment against her. The case was remanded for further proceedings, including an opportunity for the owner to present evidence on the counterclaim.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Lipez, J.; Mead, J.; Connors, J.; Lawrence, J.; Hjelm, A.R.J.
JURISDICTION	Maine Supreme Judicial Court
DECIDED	May 21, 2026
DOCKET	Yor-25-325
DISPOSITION	vacated
PROCEDURAL POSTURE	Moskal-Kanz appealed from a District Court judgment ordering foreclosure and sale of her condominium unit and entering judgment for Tidewater on her counterclaim alleging violations of the Fair Housing Act and Americans with Disabilities Act.
STANDARD OF REVIEW	Claims regarding procedural due process are reviewed de novo.
PRECEDENTIAL VALUE	precedential
PARTIES	Judith L. Moskal-Kanz v. Tidewater Loft Condominium Association

TOPICS

- foreclosure
- ada / disability
- civil procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- civil procedure
- appellate procedure
- real estate
- condominium law
- disability discrimination

QUESTIONS PRESENTED

1. Whether the District Court violated Moskal-Kanz's procedural due process rights by preventing her from presenting evidence and witnesses in support of her live counterclaim and then entering judgment against her on that counterclaim.
2. Whether the foreclosure judgment also had to be vacated because the record did not establish that the foreclosure claim was factually and legally independent from the unresolved counterclaim.

HOLDINGS

1. The trial court violated Moskal-Kanz's procedural due process rights by failing to permit her to introduce evidence or present witnesses in support of her live counterclaim before entering judgment against her.
2. The judgment of foreclosure and sale also had to be vacated because the court could not determine with certainty that the foreclosure claim was factually and legally independent from the counterclaim.

KEY QUOTATIONS

“When significant rights are at stake, due process requires: notice of the issues, an opportunity to be heard, the right to introduce evidence and present witnesses, the right to respond to claims and evidence, and an impartial fact-finder.” (§ 13)

“On remand, the trial court must give Moskal-Kanz an opportunity to present evidence in support of her counterclaim. Only then can and should the court assess whether to grant each of the parties the relief they seek.” (§ 15)

FACTUAL BACKGROUND

Moskal-Kanz owned a condominium unit subject to Tidewater's condominium declaration, which required payment of association fees, charges, and assessments. She defaulted and owed tens of thousands of dollars in dues, expenses, and legal fees. Her counterclaim alleged that her daughter, who resided in the unit and had a disability, required accommodations concerning snow removal and trash disposal, and that Tidewater violated an agreement, the condominium declaration, the Fair Housing Act, and the Americans with Disabilities Act. The trial court prohibited her from presenting evidence or witnesses on the counterclaim but nevertheless entered judgment against her on it.

PROCEDURAL HISTORY

Tidewater filed a foreclosure complaint after Moskal-Kanz failed to cure a default in condominium assessments. Moskal-Kanz filed an answer and counterclaim asserting contract, declaration, Fair Housing Act, and Americans with Disabilities Act claims. Although the District Court had identified the counterclaim as an issue for trial, the trial court excluded it from the bench trial and then entered judgment against Moskal-Kanz on the counterclaim. The Maine Supreme Judicial Court vacated the judgment in its entirety and remanded.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The District Court must give Moskal-Kanz an opportunity to present evidence in support of her counterclaim and then assess whether to grant each party the relief sought.

CASES CITED

- Gen. Holdings, Inc. v. Eight Penn Partners, L.P., 2025 ME 20, ¶ 2, 331 A.3d 445
- Citibank, N.A. v. Moser, 2024 ME 19, ¶ 8, 314 A.3d 194
- Jusseaume v. Ducatt, 2011 ME 43, ¶ 12, 15 A.3d 714
- Chase Home Fin. LLC v. Higgins, 2008 ME 96, ¶¶ 8-12, 953 A.2d 1131
- Wells Fargo Home Mortg., Inc. v. Spaulding, 2007 ME 116, ¶¶ 1, 12, 930 A.2d 1025
- Oak Hill Condos. v. Marchetti, 2026 ME 31, ¶ 15, --- A.3d ---
- Villas by the Sea Owners Ass'n v. Garrity, 2001 ME 93, ¶ 8, 774 A.2d 1115

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