Vermont Superior Court
Filed 09/03/26
Washington Unit

VERMONT SUPERIOR COURT
Washington Unit
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CIVIL DIVISION
Case No. 24-CV-00765

NorthCountry Federal Credit Union v. Glenn Andersen

ENTRY REGARDING MOTION

Title: Motion to Stay Implementation of Confirmation Order Pending Appeal (Motion: 15)
Filer: Glenn C Andersen
Filed Date: August 16, 2026

The motion is DENIED.

Defendant Glenn Andersen originally filed the present motion to "stay implementation of confirmation order." Given that the sale has already occurred, the Court has reviewed the sale under 12 V.S.A. §§ 4952 and 4953, and the Court has already issued the confirmation order in this matter, it is not clear what "implementation" remains to be either implemented or stayed. Nevertheless, in response to Plaintiff North Country Federal Credit Union's opposition, Defendant Andersen has subsequently clarified that he seeks both permission and a stay of the confirmation order pursuant to V.R.C.P. 80.1(m) and 12 V.S.A. § 4939.

There are several problems with Defendant's request.

The first problem is timeliness. Both Section 4939 and Rule 80.1(m) address appeals in foreclosure actions in which a party seek to challenge the judgment of foreclosure. Under the Rules, however, any such appeal must be filed within 14 days from the issuance of the judgment. In this case, the Judgment and Decree of Foreclosure by Judicial Sale entered on December 24, 2024, nearly 20 months before the present notice of appeal was filed. As such, the motion for an appeal and stay are untimely. See also V.R.A.P. 6(a)(1).

The second problem is what Defendant is precisely appealing. Defendant is purporting to be appealing the Court's August 13, 2026 Order confirming the judicial sale in this matter. This raises the question of what Defendant is precisely challenging and what relief he seeks. As the Court has noted, a judicial sale is not a plaintiff's or a defendant's sale. It is a Court sale, and as such, it is the responsibility of the Court to ensure that the sale complies with the sale requirements. *Mellon v. Campbell*, Dckts. No. 229-4-10 Wrcv, 78-2-12 Wrcv, 568-10-11 Wrcv, 319-5-12 Wrcv, available at 2013 WL 6631044, at *6 (Dec. 2, 2013) (Teachout, J.) (discussing how judicial sales are controlled and over seen by the courts). Confirmation is a discretionary judicial actions, and the purpose is to ensure fairness and equity in the process. *HSBC Bank USA N.A. v. McAllister*, 2018 VT 9, ¶ 7.

Any right or interest that a defendant may have in the conduct of the judicial sale is necessarily limited. It is a sale that is conducted post-foreclosure and post-redemption. At that

point, Defendant's interests in the property have been legally exhausted, and the sole interest is avoiding a private sale where a public auction would bring competitive bids. There is no right to a minimum price. In cases, such as the present, where Plaintiff has released Defendant from personal liability for any deficiencies, there is even less at stake.

Defendant's entire appeal appears to be premised on giving a pre-sale appraisal some binding authority over the outcome of the sale that is simply not warranted. An appraisal is an assessment, and it does not bind any bidder to enter a minimum bid. It may inform the bids, but it does not mandate, nor is there a requirement that any party disclose such information to any other party. As such, this Court is at some pains to understand Defendant's overarching theory of his appeal or the merits of his argument.

The third problem is that Defendant has not demonstrated that the Judicial Confirmation Order is a Final Judgment from which an appeal may arise. V.R.C.P. 54(b) (defining final judgment). In this case, the final judgment in this case issued back in December 2024. The subsequent orders of the Court has largely been post-judgment ruling effectuating that order and permitting statutory redemption periods to run. As the Vermont Supreme Court has noted, the legislative policy of the foreclosure statutes promotes finality of foreclosure judgments and has limited the time and window for appeals and challenges. See *Citibank v. Groshens*, 171 Vt. 639, 640 (2000) (mem.) (applying the limited framework of Rule 80.1(m) to the appeal of a post-judgment Rule 60(b) motion). In this case, Defendant is seeking to appeal a post-judgment certification of a court process.[1]

The Fourth problem is that the present appeal appears to be part of a concerted effort on Defendant's part to challenge each and every last stage of the foreclosure. Since he decision to represent himself, Defendant has filed six different motions seeking to stop, stay, or undo the judicial sale. These motions have been found to be without merit, and the Court has denied them. The present motion fails to raise meritorious claims and appears to be of a piece with the earlier motions.

The fifth and final problem is that it is unclear what a stay would effectuate at this point in the case. The Confirmation Order merely confirmed the sale that took place to effectuate the foreclosure judgment. Title has transferred. To put a stay on this matter would not alter these facts. To the extent that Defendant wants an order to enjoin Plaintiff from selling or further transferring the property, such relief is beyond the scope of a stay, and Defendant has not demonstrated the right to such injunctive relief under V.R.C.P. 65.

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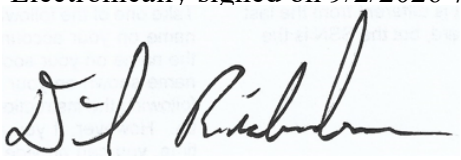
[1] The Court will note that there is a limited exception to the final judgment rule found under the *Forgay v. Conrad* rule, which posits that a pre-judgment order mandating the immediate transfer of land may give rise to appellate rights, but as the Vermont Supreme Court notes, this rule acts as a limited exception where a transfer is ordered and effectuated before the parties reach final and appealable judgment. *Hospitality Inns v. South Burlington R.I.*, 149 Vt. 653, 656–57 (1988). In this case because the foreclosure of ownership originated in a final judgment that pre-dated the present order, the *Forgay v. Conrad* rule does not apply.

Based on these considerations, the Court **Denies** Defendant's motion. The Court will not stay the present matter, and no permission is given for an appeal from the Court' August 13th Confirmation Order.

So Ordered.

Electronically signed on 9/2/2026 7:35 PM pursuant to V.R.E.F. 9(d)



Daniel Richardson
Superior Court Judge