

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EASTERN SAVINGS BANK, FSB, )  
 ) No. 88, 2012  
Defendant Below, )  
Appellants, ) Court Below: Superior Court  
 ) of the State of Delaware in  
v. ) and for New Castle County  
 )  
CACH, LLC, ) CA No. N10A-08-015  
 )  
Plaintiffs Below )  
Appellees. )

Submitted: October 10, 2012

Decided: October 30, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

***ORDER***

This 30<sup>th</sup> day of October, 2012, it appears to the Court that:

1. The Court granted appellant's Motion for Reargument on September 11, 2012 and scheduled this matter for determination on the briefs.
2. When we concluded in our Opinion dated August 24, 2012 that the record did not reflect that proceeds from appellant's mortgage were used to pay off a prior mortgage on the property, we did not intend to preclude a presentation of facts that could show otherwise.
3. To the extent that our Opinion dated August 24, 2012 could be read to bar the presentation of facts supporting a claim of equitable subrogation, we have

granted reargument. We believe the issue could be fairly presented to the Court of Common Pleas.

NOW, THEREFORE, IT IS ORDERED that we remand to Superior Court which will in turn remand to the Court of Common Pleas to enter judgment in accordance with the Opinion dated August 24, 2012 and this Order.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice