

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DEUTSCHE BANK NATIONAL TRUST)
COMPANY, as Trustee Under the Pooling and)
Servicing Agreement Related to IMPAC)
Secured Assets Corporation, Mortgage Pass-)
Through Certificates, Series 2007-1,)
))
Plaintiff,)
))
vs.) CIVIL ACTION NO. 2:09cv324-WHA)
))
CITIBANK, N.A.,) (wo)
))
Defendant.)

JOHNNY M. PORTIS, et al.,)
))
Plaintiffs,)
))
vs.) CIVIL ACTION NO. 2:10cv001-WHA)
))
CITIBANK, N.A., et al.,)
))
Defendants.)

ORDER

Upon consideration of the parties’ submissions on the priority of redemptive rights, it appears to the court that the Joint Stipulation of Facts may be incomplete.

The Portises rely on *Ala. Code* § 6-5-248 (e), in part, to establish their redemptive right. They argue that the fact of the Citibank note and/or mortgage is conclusive “proof” that they remained liable on the debt at the time of the foreclosure sale. Deutsche Bank has stated that there is no evidence that the Marvinns remained liable for any deficiency after the Citibank foreclosure sale.

It appears that there is a question of interpretation, because Deutsche Bank points to a question of liability after the Citibank foreclosure sale, while the Portises point to the statutory language “at the time of the foreclosure sale.” The parties, however, have also cast this argument in terms of proof. Because this case is to be decided on stipulated facts, the parties need to supplement their stipulated facts with the facts necessary for the court to make a determination as to whether the Portises “remain liable on the debt and are debtors at the date of the foreclosure sale.” *Ala. Code* § 6-5-248 (e).

Accordingly, it is hereby ORDERED that the Portises and Deutsche Bank have until **June 28, 2011** to file a supplement to their stipulated facts which contains the stipulated facts necessary for the court to make a determination as to whether the Portises “remain liable on the debt and are debtors at the date of the foreclosure sale.” *Ala. Code* § 6-5-248 (e).

Done this 22nd day of June, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE