

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JAMES B. ROBERTSON

PLAINTIFF

v.

CASE NO. 4:10CV00095 JLH

**FEDERAL HOME LOAN MORTGAGE CORPORATION;
WILSON & ASSOCIATES, P.L.L.C.; FIRST AMERICAN TITLE INSURANCE
COMPANY; CITIMORTGAGE, INC.; AND DEBORAH S. SELTZER**

DEFENDANTS

AGREED ORDER

On this day, the above cause comes to be heard upon the Complaint of Plaintiff; the Affidavits of Service reflecting personal service upon each of the defendants for the time and in the manner required by law; Plaintiff James B. Robertson (“Robertson”), appearing by and through counsel, Stephen B. Niswanger of Niswanger Law Firm PLC; Separate Defendant Wilson & Associates, P.L.L.C. (“Wilson”), appearing by and through counsel, H. Keith Morrison of Wilson & Associates, P.L.L.C.; and Separate Defendants First American Title Insurance Company (“FATIC”) and CitiMortgage, Inc. (“Citi”), appearing by and through counsel, Amy Clemmons Brown of McMullan Halstead.

Said Complaint was filed by Robertson, asserting negligence and breach of contract against Wilson and FATIC and quiet title against Citi, Separate Defendant Federal Home Loan Mortgage Corporation (“Freddie Mac”), and Separate Defendant Deborah S. Seltzer concerning the following-described property in Lonoke County, Arkansas:

Lot 232-232L, Magness Creek Subdivision, in the City of Cabot,
Lonoke County, Arkansas.

(More commonly known as 38 Lakeview Lane, Cabot, Arkansas 72023. Hereinafter referred to as "Lot 232-232L" or "the subject property.")

Based on the Complaint and the agreement of the parties, the Court hereby finds:

1. On or about November 21, 2005, Robertson offered to purchase the subject property from Freddie Mac for \$192,650.00.
2. On or about December 20, 2005, Freddie Mac executed a Special Warranty Deed to Robertson. Said Deed to Robertson described certain alleged property located in Lonoke County, Arkansas, more particularly described as Lot 232, Magness Creek Subdivision, in the City of Cabot, Lonoke County, Arkansas ("alleged Lot 232"). (Said Deed was filed on January 3, 2006, in the Official Records of Lonoke County, Arkansas, as Document No. 200600028.)
3. On December 22, 2005, Robertson executed and delivered to Mortgage Electronic Registration Systems, Inc., as nominee for First Arkansas Mortgage Company, a Mortgage. Said Mortgage was filed on January 3, 2006, in the Official Records of Lonoke County, Arkansas, as Document No. 200600029. Said Mortgage has since been assigned or transferred to Citi.
4. Said Mortgage describes only alleged Lot 232.
5. Wilson, FATIC, Citi, and Freddie Mac do not oppose Robertson's petition to quiet title to the subject property, and, therefore, title to the subject property, Lot 232-232L, shall be quieted in the name of Robertson (with the exception of a mortgage lien which will be retained by Citi pursuant to the Mortgage described above in paragraph 3 herein).
6. This action was commenced on February 12, 2010.

7. On March 15, 2010, Seltzer was properly served with the Complaint and a Summons by process server.

8. More than twenty-one (21) days have elapsed since Seltzer was served, and, to date, they have not appeared before this Court.

9. Pursuant to Rule 55 of the Federal Rules of Civil Procedure, Robertson is entitled to default judgment against Seltzer quieting the title to the subject property in the name of Robertson.

10. In addition, the legal description of the Mortgage described in paragraph 3 herein in hereby corrected. Said Mortgage is reformed, *ab initio*, to encumber Lot 232-232L.

11. This Order shall be recorded in the Official Records of Lonoke County, Arkansas.

12. Robertson hereby dismisses his claims against FATIC, Wilson, Citi, and Freddie Mac with prejudice.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the title to Lot 232-232L is hereby quieted and confirmed in the Plaintiff, that the claims of any and all other persons whatsoever be and are hereby extinguished and declared null and void (with the exception of the Mortgage described in paragraph 3 herein).

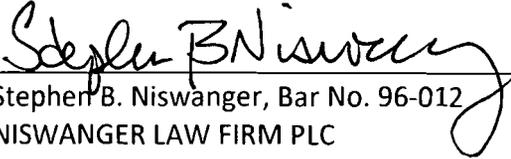
IT IS SO ORDERED.



United States District Judge

Date: December 17, 2010

Prepared and Approved by:


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