

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

**WILLIAM KINKADE
and TANYA KINKADE**

PLAINTIFFS

v.

No. 4:12-cv-101-DPM

**WELLS FARGO HOME MORTGAGE;
and OCWEN LOAN SERVICING, LLC.**

DEFENDANTS

ORDER

The parties' joint motion to dismiss, *No 17*, is granted in part and denied in part. The Court doubts its jurisdiction, because of the *Rooker-Feldman* doctrine, to set aside a foreclosure sale, rescind the resulting deed, or reinstate a mortgage, in the face of state-court orders approving the sale and the deed and foreclosing the mortgage. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283-84 (2005); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 416 (1923). The parties should apply to the Pulaski County Circuit Court that entered those orders to implement the settlement agreement. The complaint is dismissed with prejudice, with the Court retaining jurisdiction until 31 August 2013 to be sure everyone follows through on their settlement obligations.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

24 May 2013