

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

NATIONAL HOME CENTER, INC.

PLAINTIFF

v.

Civil No. 08-5229

ZEHM, INC; et al.

DEFENDANTS

O R D E R

NOW on this 9th day of December 2008, comes on for consideration the **Motion to Stay Proceedings** (document #14) filed by defendant Federal Deposit Insurance Corporation ("FDIC"), as receiver for ANB Financial, N.A., to which no response has been filed by plaintiff National Home Center, Inc. ("plaintiff"). The Court, having reviewed said motion, and all other matters of relevance before it, and being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On October 6, 2008, plaintiff commenced this action against defendants praying that its liens on certain properties owned by defendants Zehm, Inc., Robert Zehm, and Wilma Zehm be foreclosed upon in order to satisfy debts allegedly owed to plaintiff by these same defendants.

On May 9, 2008, pursuant to 12 U.S.C. § 1821(c), the FDIC was appointed as receiver for defendant ANB Financial, N.A., formerly Arkansas National Bank, in order to take charge of its assets and affairs. The claims asserted in this matter constitute potential liabilities of the FDIC in its capacity as

receiver of the former bank -- as the FDIC holds a first mortgage on the properties at issue.

2. The motion to stay now before the Court is predicated on 12 U.S.C. § 1821(d)(3)-(8) and (13), which gives the FDIC 180 days to determine claims in liquidation proceedings of financial institutions for which it is appointed as receiver. FDIC seeks a stay "until the earlier of one hundred eighty (180) days from the filing of Plaintiff's claim or ten (10) days after the FDIC has tendered a final determination upon the claim." This motion is well taken, and will be granted.

IT IS THEREFORE ORDERED that defendant FDIC's **Motion to Stay Proceedings** (document #14) should be, and it hereby is, **GRANTED**.

IT IS FURTHER ORDERED that this matter is stayed until the earlier of one hundred eighty (180) days from the filing of plaintiff's administrative claim against the FDIC as receiver for ANB Financial, N.A., or ten (10) days after the FDIC has tendered a final determination upon that claim.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE