

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01415-WJM-MJW

COMMONWEALTH PROPERTY ADVOCATES, LLC,

Plaintiff,

v.

U. S. BANK NATIONAL ASSOCIATION, as trustee, successor-in-interest to Bank of America, National Association as trustee, successor by merger to LaSalle Bank National Association, as trustee for Morgan Stanley Mortgage Loan Trust 2007-7AX, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., and NEW CENTURY MORTGAGE CORPORATION,

Defendants.

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FINAL JUDGMENT

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Pursuant to and in accordance with Fed. R. Civ. P. 58(a), the Order (ECF No. 92) entered by Judge William J. Martinez on November 25, 2011, and the Order Granting Defendants' Motion to Dismiss, Denying Plaintiff's Motion for Default Judgment, Denying as Moot Defendants' Motion for Summary Judgment, and Vacating All Remaining Settings (ECF No. 89) entered by Judge Martinez on November 4, 2011, incorporated herein by reference, it is

ORDERED:

1. Defendants'<sup>1</sup> Amended Motion to Dismiss (ECF No. 29) is GRANTED;

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<sup>1</sup>It is noted that default has been entered against New Century Mortgage. (ECF No. 28.) Accordingly, the reference to "Defendants" does not include New Century Mortgage. It is also noted that because the court's Order of November 4, 2011 denied plaintiff's Motion for Default Judgment against New Century Mortgage (see No. 3 below) on the grounds that the court must give full faith and credit to the decision of the state court about the rights and interests of the parties, Defendant New Century Mortgage is dismissed as a party in this case.

2. Defendants' Motion for Summary Judgment (ECF No. 60) is DENIED as moot;
3. Plaintiff's Motion for Default Judgment (ECF No. 43) is DENIED;
4. Judgment is entered in favor of Defendants U. S. Bank National Association and Mortgage Electronic Registration Systems, Inc., and against Plaintiff Commonwealth Property Advocates, LLC;
5. Defendants' Motion for Sanctions (ECF No. 61) is DENIED;
6. Defendants' Motion for Attorneys' Fees (ECF No. 90) is DENIED; and
7. Defendants U. S. Bank National Association and Mortgage Electronic Registration Systems, Inc. shall have their costs by the filing of a Bill of Costs with the Clerk of this Court within 14 days of the entry of judgment.


Dated at Denver, Colorado, this 29<sup>th</sup> day of November, 2011.

FOR THE COURT:

Gregory C. Langham, Clerk

By: s/ Edward P. Butler, Deputy Clerk  
Edward P. Butler, Deputy Clerk

APPROVED:



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William J. Martinez, Judge