

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE RAYMOND P. MOORE**

Courtroom Deputy: Cathy Pearson
Court Reporter: Tammy Hoffschildt

Date: March 1, 2016

CASE NO. 11-cv-03185-RM-MJW

MARK D. NIEDERQUELL and
JUDITH A. NIEDERQUELL,

Erich Schwiesow

Plaintiffs,

v.

BANK OF AMERICA, N.A.,
THE BANK OF NEW YORK MELLON,
PEGGY J. KERN, and
GREEN TREE SERVICING, LLC,

Ashley Calhoun
Melissa Cizmorris

Kelly Murdock

Defendants.

COURTROOM MINUTES

IN-COURT HEARING:

COURT IN SESSION: 8:59 a.m.

Court calls case. Appearances of counsel.

Discussion held and argument given regarding claims and Defendants' pending Motions for Summary Judgment (Docs. 117 and 128) and the Joint Supplement to Bank of America, N.A.'s; Bank of New York Mellon's; and Green Tree Servicing, LLC's Motions for Summary Judgment (Doc. 162).

Ms. Murdock tenders the original promissory note and deed of trust to the Court. The Court inspects the documents and finds and accepts that they are original documents.

Discussion held regarding Clerk's Entry of Default as to Defendant Peggy Kern.

Court's findings.

ORDERED: The Clerk's Entry of Default (Doc. 105) entered against Peggy Kern is lifted and any and all claims against Peggy Kern are dismissed *sua sponte* as stated on the record.

The Court questions counsel for Defendants regarding the original promissory note and deed of trust documents tendered to the Court.

ORDERED: Joint Supplement to Bank of America, N.A.'s; Bank of New York Mellon's; and Green Tree Servicing, LLC's Motions for Summary Judgment (Doc. 162) is GRANTED and the Court accepts Document 165-1.

Court's findings regarding the Motions for Summary Judgment (Docs. 117 and 128).

ORDERED: Defendant Green Tree Servicing, LLC's Motion for Summary Judgment (Doc. 117) is GRANTED as stated on the record.

ORDERED: Defendants Bank of America, N.A., and Bank of New York Mellon's Motion for Summary Judgment (Doc. 128) is GRANTED as stated on the record.

Documents tendered to the Court are returned to counsel.

Court in recess: 9:47 a.m.

Court in session: 10:02 a.m.

Discussion held regarding further issues to be addressed.

The Court summarizes rulings.

ORDERED: The Trial Preparation Conference set for March 11, 2016, and the jury trial set for April 18, 2016, are VACATED.

The Court directs the Clerk of the Court to enter judgment in accordance with the oral orders entered this date on the record.

COURT IN RECESS: 10:07 a.m.

Total in court time: 00:53

Hearing concluded