

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-03093-REB-KLM

MERLE H. SCHONEBAUM, and  
DENISE M. SCHONEBAUM,

Plaintiffs,

v.

SHELLPOINT MORTGAGE SERVICING,  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., and  
BANK OF NEW YORK MELLON as Trustee for Countrywide ALT 2005-42CB Trust,

Defendants.

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**AMENDED FINAL JUDGMENT**

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\*Amended portion is surrounded by asterisks.

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Judgment is hereby entered.

Pursuant to the **Order Overruling Objections to and Adopting**

**Recommendation of United States Magistrate Judge** [#29] of Judge Robert E.

Blackburn entered on March 21, 2016, it is

ORDERED that all claims against defendants, Mortgage Electronic Registration Systems, Inc., and Bank of New York Mellon, are dismissed without prejudice; it is

FURTHER ORDERED that plaintiff's claims against defendant, Shellpoint Mortgage Servicing, arising under (a) the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601 *et seq.* (b) the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*; and (c) the Fair Credit Reporting Act, 15 U.S.C. § 1681, \*are dismissed with prejudice\*; it is

FURTHER ORDERED that the court declines to exercise supplemental

jurisdiction over plaintiff's state law claims against defendant, Shellpoint Mortgage Servicing, and those claims are dismissed without prejudice; it is

FURTHER ORDERED that judgment enters on behalf of defendants, Shellpoint Mortgage Servicing; Mortgage Electronic Registration Systems, Inc.; and Bank of New York Mellon, and against plaintiffs, Merle H. Schonebaum and Denise M. Schonebaum, as follows: a. That judgment without prejudice shall enter as to all claims asserted against defendants, Mortgage Electronic Registration Systems, Inc., and Bank of New York Mellon; b. That judgment with prejudice shall enter on plaintiffs' claims against defendant, Shellpoint Mortgage Servicing arising under (a) the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601 *et seq.* (b) the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*; and (c) the Fair Credit Reporting Act, 15 U.S.C. § 1681; and c. That judgment without prejudice shall enter as to plaintiffs' state law claims against defendant, Shellpoint Mortgage Servicing; it is

FURTHER ORDERED that defendants are awarded their costs, to be taxed by the clerk of the court in the time and manner provided in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 25<sup>th</sup> day of March, 2016.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/ K. Finney

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K. Finney  
Deputy Clerk

