

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

EDNA ARMSTRONG, as Attorney in)
Fact for Thomas Flood, and)
THOMAS FLOOD,)

Plaintiffs,)

v.)

CASE NO. CV413-010

OCWEN MORTGAGE COMPANY; OCWEN)
LOAN SERVICING, LCC; OCWEN)
FINANCIAL CORP.; and THE)
FEDERAL HOME LOAN MORTGAGE)
CORP.;)

Defendants.)

O R D E R


Before the Court is Plaintiff Edna Armstrong's Motion to Release Funds. (Doc. 110.) In her motion, Plaintiff requests "a refund of all monies paid into the court regarding [the] above case." (Id. at 1.) Defendant Federal Home Loan Mortgage Corporation ("FHLMC") has responded in opposition to the motion and requests an order directing that it receive the funds. (Doc. 111.) According to Defendant FHLMC, Plaintiff's deposits were rent obligations that permitted her to reside in the house during this case. (Id.)

Plaintiff paid the funds in question into this Court's registry pursuant to a consent order signed by all parties.

(Doc. 6.) The Consent Order required Plaintiff to deposit \$500 per month in exchange for Defendant's permitting her to reside in her foreclosed home during the pendency of her case seeking to set aside that foreclosure. (Id. at 1-2.) On September 15, 2015, this Court granted Defendants summary judgment in this case. (Doc. 105.) As a result, Defendant FHLMC evicted Plaintiff from and took possession of the property.

While not explicit in the Consent Order, the funds paid by Plaintiff clearly served as rental payments that permitted Plaintiff to reside in a home owned by Defendant FHLMC. To permit Plaintiff to recover those funds would have allowed her to reside in the foreclosed home at no cost for almost three years. This was clearly not the intent of the Consent Order. Accordingly, Plaintiff's motion (Doc. 110) is **DENIED**. In addition, the Clerk of Court is **DIRECTED** to release the funds to Defendant FHLMC.

SO ORDERED this 28th day of September 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA