

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

KIMBERLY K. EAGLIN

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v.

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Civil No. – JFM-13-3159

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SELECT PORTFOLIO SERVICING, INC.
ET AL.

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MEMORANDUM

Plaintiff has brought this action against Select Portfolio Servicing, Inc., Mortgage Electronic Registration Systems, and Bank of America, N.A. Defendants have filed motions to dismiss. The motions will be granted.

Plaintiff’s claims arise from a loan that had been made not to her but to her deceased husband. Plaintiff alleges that she has the right to maintain the action because the property which served as collateral for the loan has been transferred to her by a quit claim deed subsequent to her husband’s death.¹

Plaintiff’s claims arise not from the property which she now owns but from alleged wrongs committed against her deceased husband when the loan was made. These claims have not been transferred to plaintiff. Therefore, plaintiff lacks “standing” as alleged by defendants. Moreover, she has failed to state a claim upon which relief can be granted since she does not have the right to maintain this action.

¹ Plaintiff has also filed a motion for leave to file an amended complaint. If I were granting defendants’ motions on the ground that plaintiff had failed to comply with the requirements of *Iqbal* and *Twombly* (as I would do were I not to dismiss this action on the ground that I am relying upon) I would grant the motion. However, no useful purpose would be served by permitting plaintiff to file an amended complaint because, as discussed in the text, there is a fundamental defect in plaintiff’s theory of the case.

A separate order dismissing this action is being entered herewith.

Date: March 18, 2014

/s/
J. Frederick Motz
United States District Judge