

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_)  
MICHAEL C. LARRABEE, )  
) )  
Appellant, )  
) )  
v. )  
) )  
DEUTSCHE BANK NATIONAL )  
TRUST CO., )  
) )  
Appellee. )  
\_\_\_\_\_)

Civil Action No. 10-11446-NMG

REPORT AND RECOMMENDATION ON  
BANKRUPTCY APPEAL

June 10, 2011

SOROKIN, M.J.

The Appellant, Michael Larrabee, appeals from the Bankruptcy Court’s dismissal of an adversary proceeding brought by him against Appellee Deutsche Bank (the purported assignee and owner and holder of Larrabee’s note and mortgage) in the course of his Chapter 13 Bankruptcy proceeding. Docket # 1. For the following reasons, I RECOMMEND that the Court AFFIRM IN PART the Bankruptcy Court’s dismissal of the Appellant’s adversary Complaint, REVERSE IN PART and remand for further proceedings on Count I of Larrabee’s Complaint in his adversary proceeding.

I. PROCEDURAL AND FACTUAL BACKGROUND.

In 2002, Larrabee and his wife purchased real property in South Yarmouth,

*Report and Recommendation accepted and  
adopted. JBM Gorton, USDI 8/4/11*