

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEUTSCHE BANK NATIONAL
TRUST COMPANY, as Trustee for
IXIS 2006-HE3,
Plaintiff,

v.

CIVIL ACTION NO.
15-14155-MBB

JAMES P. MOYNIHAN,
Defendant.

FINAL JUDGMENT

October 11, 2017

BOWLER, U.S.M.J.

It is **ORDERED, ADJUDGED, and DECLARED** that plaintiff Deutsche Bank National Trust Company, as Trustee for IXIS 2006-HE3, ("DBNTC as Trustee") is the lawful owner of a promissory note dated May 1, 2006, a copy of which is attached to the complaint, and the holder of a mortgage dated May 1, 2006, a copy of which is attached to the complaint. It is further **ORDERED, ADJUDGED, and DECLARED** that DBNTC as Trustee: was entitled to enforce the note when the note was lost; is entitled to immediate physical possession of the note; is entitled to enforce the note, the terms of which are set forth in the copy attached to the complaint; and is entitled to exercise the remedies provided for in the mortgage, including the power of sale. It is also **ADJUDGED and DECLARED** that defendant James P. Moynihan

("Moynihan") is adequately protected against loss that might occur by reason of a claim by another person to enforce the note in light of his chapter seven bankruptcy discharge and because DBNTC as Trustee has agreed to indemnify Moynihan against any loss that might occur through multiple conflicting claims against the property.

/s/ Marianne B. Bowler
MARIANNE B. BOWLER
United States Magistrate Judge