

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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STEVEN GEWECKE AND TAMARA  
GEWECKE,

Civ. No. 09-1890 (JRT/LIB)

Plaintiffs,

v.

U.S. BANK, N.A., as trustee for CITIGROUP  
MORTGAGE LOAN TRUST 2007-AMC1;  
CITIGROUP MORTGAGE LOAN TRUST  
2007-AMC1; ARGENT MORTGAGE  
COMPANY, LLC; ACC CAPITAL  
HOLDINGS CORPORATION; and  
COUNTRYWIDE HOME LOANS, INC.,

**ORDER**

Defendants.

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Mark R. Ireland, Jane N. Bowman, and Kari A. Rudd, **FORECLOSURE RELIEF LAW PROJECT, HOUSING PRESERVATION PROJECT**, 570 Asbury Street, Suite 105, Saint Paul, Minnesota, 55104, for plaintiffs.

Britta Loftus and Shari L.J. Aberle, **DORSEY & WHITNEY LLP**, Suite 1500, 50 South Sixth Street, Minneapolis, MN 55402, for defendants Argent Mortgage Company and ACC Capital Holdings Corp.

Steven H. Bruns and Jared M. Goerlitz, **PETERSON, FRAM & BERGMAN, P.A.**, 55 East Fifth Street, Suite 800, St. Paul, MN, 55101, for defendants US Bank, CitiGroup Mortgage Loan Trust 2007-AMC1, and Countrywide Home Loans.

Defendants ACC Capital Holdings Corporation, and Argent Mortgage Company, LLC, reached a settlement with plaintiffs prior to the Court issuing an order on the parties' objections to the Report and Recommendation of the Magistrate Judge [Docket

No. 55.] Based on the foregoing, all the files, records, and proceedings therein, including the arguments made by the parties on August 27, 2010:

1. The Court neither adopts nor rejects that portion of the Report and Recommendation [Docket No. 55] relating to Counts I-VII of the Amended Complaint; in light of settlement, objections [Docket Nos. 56 and 57] are **WITHDRAWN as moot**;

2. The Court **ADOPTS** that portion of the Report and Recommendation [Docket No. 55] granting plaintiff's motion for partial summary judgment (Claims VIII and IX) against defendants U.S. Bank, N.A., as trustee for CitiGroup Mortgage Loan Trust, 2007-AMC1, CitiGroup Mortgage Loan Trust 2007-AMC1, and Countrywide Home Loans, Inc., and determines as a matter of law that those defendants are in violation of 12 U.S.C. § 2605(e)(1)(A) and of Minn. Stat. § 47.205, subd. 2(3)..

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendants ACC Capital Holdings Corporation, and Argent Mortgage Company, LLC's motion to dismiss for failure to state a claim and for lack of standing [Docket No. 27] is **DENIED as moot**.

2. Plaintiffs' motion for partial summary judgment [Docket No. 31] is **GRANTED in part**, and that, as a matter of law, defendants US Bank, N.A., as trustee for CitiGroup Mortgage Loan Trust, 2007-AMC1, CitiGroup Mortgage Loan Trust 2007-AMC1, and Countrywide Home Loans, Inc. are adjudged to have been in violation of 12 U.S.C. § 2605(e)(1)(A), and of Minn. Stat. § 47.205, subd. 2(3).

DATED: September 13, 2010  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge