

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gregory L. Adkins and Romelle M. Adkins,

Court File No. 10-1049 PAM/JSM

Plaintiffs,

vs.

Deutsche Bank National Trust Co., as Trustee
of Argent Mortgage Securities, Inc. Asset
Backed Pass Through Certificates, Series
2005-W,

Defendant.

ORDER

The undersigned United States District Judge reviewed the parties Stipulation dated June 2, 2011. Andrew P. Elsbecker, Esq., St. Louis Park, MN, is the attorney of record for Plaintiffs Gregory L. Adkins and Romelle M. Adkins (“**Adkins**”). David R. Mortensen, Esq., and Eric D. Cook, Esq., Wilford Geske & Cook, P.A., Woodbury, MN, are the attorneys of record for Defendant Deutsche Bank National Trust Co., as Trustee of Argent Mortgage Securities, Inc. Asset Backed Pass Through Certificates, Series 2005-W (“**Deutsche Bank, as Trustee**”).

Based on the Stipulation of the parties submitted herewith, the Court makes the following findings of fact:

1. The Adkins commenced this action on or about March 1, 2010.

2. The property that is the subject of this matter is located at 15393 Painters Lane Circle North, Stillwater Minnesota 55082, and is legally described as:

Lot 6, Block 2, Emerald Highlands Washington County, Minnesota
(“Property”);

3. On June 30, 2005, the Adkins executed a Promissory Note (“**Note**”) to Argent Mortgage Company, LLC, (“**Argent**”) in the original principal amount of \$731,000.00.

4. To secure repayment of the indebtedness evidenced by the Note, the Adkins simultaneously executed and delivered to Argent a Mortgage (“**Mortgage**”), dated June 30, 2005, covering and encumbering the Property in Washington County, Minnesota, which Mortgage was duly filed for record in the office of the Washington County Recorder on August 16, 2005 as Document No. 3532851.

5. The legal description contained in the Mortgage was incorrect, but said legal description was amended and corrected by an Order of the Washington County District Court and recorded with the Washington County Recorder on November 18, 2008 as Document No. 3715411.

6. Following the Adkins’ default in repayment of the Mortgage loan, Deutsche Bank, as Trustee, foreclosed the Mortgage loan by advertisement. .

7. The sheriff’s sale of the Property took place on October 1, 2009, subject to a six month redemption period, as evidenced by the Sheriff’s Certificate of Sale dated

October 1, 2009 and recorded with the Washington County Recorder on October 1, 2009 as Document No. 3761445.

8. No redemption was made by the Adkins or any other party prior to the expiration of the redemption period.

9. Claiming that the foreclosure of the Mortgage loan was invalid, the Adkins commenced this litigation in Washington County District Court, and Deutsche Bank, as Trustee, removed the matter to this Court.

10. Without either party admitting to the truth of the allegations in this matter, Deutsche Bank, as Trustee has agreed to voluntarily vacate and rescind the foreclosure of the Mortgage loan and reinstate the Mortgage to its original position.

11. The parties desire to resolve the issues in this matter by entering into this stipulation, and request the Court to enter Judgment in this matter.

Based upon the foregoing findings, the Stipulation of the parties, as well as the files, records, and proceedings herein, IT IS HEREBY ORDERED:

1. That the mortgage foreclosure sale held October 1, 2009, as evidenced by the Sheriff's Certificate of Sale dated October 1, 2009 and recorded with the Washington County Recorder on October 1, 2009 as Document No. 3761445, is hereby vacated.

2. The Mortgage dated June 30, 2005 and recorded in the office of the Washington County Recorder on August 16, 2005 as Document No. 3532851, as amended and corrected by the Order of the Washington County District Court recorded

with the Washington County Recorded on November 18, 2008 as Document No. 3715411, is hereby revived and reinstated *nunc pro tunc* in all respects to its original lien priority over any and all claims any and all persons and parties may have against the Property legally described as follows:

Lot 6, Block 2, Emerald Highlands Washington County, Minnesota

3. The Washington County Sheriff shall annotate his mortgage foreclosure records to show that the sale of the above-described Property held October 1, 2009, as evidenced by the Sheriff's Certificate of Sale dated October 1, 2009 and filed with the Washington County Recorder on October 1, 2009 as Document No. 3761445, is void.

4. The recording of Judgment in this matter with the Washington County Recorder shall serve to vacate the aforementioned foreclosure sale without further action by the parties.

5. That Deutsche Bank, as Trustee, or its successors or assigns, may commence foreclosure at a later date. The settlement of this matter shall not affect the Adkins' rights in any subsequent foreclosure proceeding.

6. That fees and costs shall not be awarded to any party.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: June 8, 2011

s/Paul A. Magnuson
PAUL A. MAGNUSON, Judge
United States District Judge