

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Wells Fargo Bank, N.A.,

Civil No. 11-3267 DSD/FLN

Petitioner,

v.

**ORDER**

Laurie A. Hayes, USAA Federal Savings  
Bank, United States of America, and Parties  
in Possession of the Premises,

Respondents.

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This matter is before the court upon Petitioner's motion for summary judgment as to respondent United States of America. The United States of America, pursuant to its settlement agreement with Petitioner, agreed not to contest the relief sought by Petitioner. Settlement Agreement ¶ 2, ECF No. 29. Therefore, based on a review of the file, record and proceedings herein, and in accordance with the settlement agreement, the court determines that summary judgment is warranted against the United States of America and in favor of Petitioner. The court further determines that there is no just reason to delay entry of judgment as to the United States of America. See Fed. R. Civ. P. 54(b). Accordingly, **IT IS HEREBY ORDERED** that:

1. The motion for summary judgment [ECF No. 13] is granted;
2. It is adjudicated, decreed and declared that the mortgage given to Wells Fargo Bank, N.A., filed June 18, 2010, as Washington County Registrar of Titles Document No. 1199564, is subrogated to the position of the prior

mortgage filed June 18, 2010, as Washington County Recorder Document No. 1199564; and

3. It is adjudicated, decreed and declared that the mortgage given to Wells Fargo Bank, N.A., filed June 18, 2010, as Washington County Registrar of Titles Document No. 1199564, is prior and superior to the tax lien in favor of the United States of America – Internal Revenue Service, recorded May 26, 2010, as Washington County Recorder Document No. 3792968.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 28, 2012

s/ David S. Doty  
David S. Doty, Judge  
United States District Court