

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. Bank, N.A.,

Plaintiff,

v.

Scott A. Byrkit, Kelly Ann Byrkit, John Doe,
and Mary Rowe,

Defendants.

Scott A. Byrkit,

Counterclaim Plaintiff,

Civil No. 12-106 (JNE/JSM)
ORDER

v.

U.S. Bank, N.A.; Wilford & Geske, P.A.;
Lawrence A. Wilford; James A. Geske; and
John Does 1-10,

Counterclaim Defendants.

Seeking declarations that documents recorded by the Chisago County Recorder are null and void and that its mortgage interest is superior to all other liens on or interest in real property located in North Branch, Minnesota, U.S. Bank, N.A., brought this action in state court against Scott Byrkit, Kelly Ann Byrkit, and individuals who may have an interest in the real property. In December 2011, Scott Byrkit served a Verified Counter-Complaint on U.S. Bank in which he alleged that U.S. Bank, as well as Wilford & Geske, P.A.; Lawrence Wilford; and James Geske, violated federal and state laws. With the consent of Wilford, Geske & Cook, P.A.,¹ Wilford, and Geske, U.S. Bank removed the action from state court. On January 19, 2012, the Court ordered U.S. Bank to show cause, if any, why this action should not be remanded to state court. The next

¹ In the Consent to Removal, Wilford, Geske & Cook stated that it was incorrectly identified in Scott Byrkit's counterclaim.

day, U.S. Bank responded. It agreed that removal of this action was improper, it withdrew its Notice of Removal, and it consented to the immediate entry of an Order remanding this action to state court. Accordingly, the Court remands this action state court.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. This action is REMANDED to the Tenth Judicial District of the State of Minnesota.
2. The Clerk of Court shall mail a certified copy of this Order to the clerk of the Tenth Judicial District of the State of Minnesota as required by 28 U.S.C. § 1447(c).

Dated: January 23, 2012

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge