

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MATTHEW L. PEPPER**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:08cv344-HSO-JMR**

**HOMESALES, INC. and  
JPMORGAN CHASE BANK**

**DEFENDANTS**

**FINAL JUDGMENT**

THIS MATTER COMES BEFORE THE COURT upon the Joint Motion to Dismiss filed on May 18, 2009 [44-1] by Plaintiff, Matthew Pepper (“Pepper” or “Plaintiff”) and Defendants, JPMorgan Chase Bank, N.A. (improperly identified as JPMorgan Chase Bank) (“Chase”) and Homesales, Inc. (“Homesales”) (collectively, the “Defendants”). Having considered same, the Court finds that said motion is well taken and should be granted. Accordingly,

**IT IS, THEREFORE, ORDERED, ADJUDGED** that, Homesales be, and hereby is, granted the right to immediate possession of the real property located at 412 Rue Chateauguay, Ocean Springs, Mississippi (the “Subject Property”), based on the prior June 28, 2007, foreclosure sale.

**IT IS FURTHER ORDERED, ADJUDGED** that, pursuant to the Court’s *Memorandum Opinion and Order Granting Defendants’ Motion for Summary Judgment, Denying Defendant JPMorgan Chase Bank’s Motions for Default Judgment and to Strike, and Granting Plaintiff’s Motion to Accept Answer to Counterclaim* [34-1], all claims asserted in this matter by Plaintiff be, and hereby are, dismissed with prejudice, with each party to bear its own costs.

**IT IS FURTHER ORDERED, ADJUDGED** that, all remaining claims asserted in this matter by the Defendants be, and hereby are, dismissed without prejudice, with each party to bear its own costs.

**IT IS FURTHER ORDERED, ADJUDGED** that, the two (2) lien notices filed by Pepper on December 17, 2007, encumbering the Subject Property (the “Liens”), are invalid and that Plaintiff execute and cause to be filed in the land records of Jackson County, Mississippi, any and all documents necessary to cancel said liens.

**IT IS FURTHER ORDERED, ADJUDGED** that, upon agreement of the parties, the *Notice of Appeal* filed by the Plaintiff [41-1] is hereby withdrawn, and that Plaintiff will file the necessary pleadings with the Fifth Circuit Court of Appeals to withdraw his appeal.

**IT IS FURTHER ORDERED, ADJUDGED** that, Plaintiff will not interfere with the Defendants’ efforts to market and sell the Subject Property.

**IT IS FURTHER ORDERED, ADJUDGED** that, Plaintiff is entitled to recover possession of a certain riding lawn mower located on the Subject Property at a date and time certain within 30 days after the entry of this Order, so long as an agent for Chase and/or Homesales is present at said date and time certain.

**IT IS FURTHER ORDERED, ADJUDGED** that, this matter be, and hereby is, closed.

**IT IS FURTHER ORDERED, ADJUDGED** that, the Clerk of this Court shall forward a copy of this Final Judgment to the Chancery Clerk of Jackson County, Mississippi.

**SO ORDERED AND ADJUDGED**, this the 2<sup>nd</sup> day of June, 2009.

*s/ Halil Suleyman Ozerden*  
HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE

**AGREED AS TO FORM AND CONTENT:**

s/ Matthew L. Pepper

Matthew L. Pepper  
*Attorney for Plaintiff*

s/ Mark H. Tyson

Mark H. Tyson (MSB #9893)  
*Attorney for JPMorgan Chase Bank, N.A. and Homesales, Inc.*