

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**CITY OF KANSAS CITY, MISSOURI,** )

)

**Plaintiff,** )

)

**vs.** )

**Case No. 05-0368-CV-W-GAF**

)

**HOUSING & ECONOMIC** )

**DEVELOPMENT FINANCIAL** )

**CORPORATION, et al.,** )

)

**Defendants.** )

)

**ORDER**

Now pending before the Court is the Application of Cedric Hernandez for a Temporary Restraining Order, Declaratory Judgment and Equitable Redemption (Doc. #1978). Hernandez sought to stop a pending foreclosure action brought by The Housing and Economic Development Financial Corporation (“HEDFC”) with respect to a residence located at 1626 East 75<sup>th</sup> Terrace, Kansas City, Missouri. On November 23, 2009, this Court granted a Preliminary Injunction to halt the pending foreclosure by HEDFC on the subject property (Doc. #1980).

On January 14, 2010, United States Magistrate Judge John T. Maughmer conducted an evidentiary hearing. On March 26, 2010, Judge Maughmer issued his Report and Recommendation (Doc. #2024).

Upon careful and independent review of the Application of Cedric Hernandez for a Temporary Restraining Order, Declaratory Judgment and Equitable Redemption, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is hereby ORDERED that HEDFC is awarded the principal amount of \$9,853.70, and attorney's fees in the amount of \$16,759.50, recoverable under the terms of the Second Deed of Trust.

s/ Gary A. Fenner  
Gary A. Fenner, Judge  
United States District Court

DATED: April 13, 2010