

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SPENCER SAVINGS BANK, S.L.A., a mutual  
savings and loan association,

*Plaintiff,*

v.

BANK OF AMERICA CORP., successor to  
Countrywide Financial Corp., COUNTRYWIDE  
FINANCIAL CORP; COUNTRYWIDE HOME  
LOANS, INC.; COUNTRYWIDE HOME  
SERVICING, L.P; BANK OF AMERICA, N.A.;  
and BAC HOME LOAN SERVICING, L.P.

*Defendants.*

Civil No.: 14-4633 (KSH) (CLW)

**Order**

**THIS MATTER** having been brought before the Court by Defendants Countrywide Financial Corporation, Countrywide Home Loans, Inc., and Bank of America, N.A., in its own capacity and as successor to BAC Home Loans Servicing, LP (f/k/a Countrywide Home Loans Servicing, LP) (collectively “Defendants”), by way of a motion to dismiss counts 1 and 4 of Plaintiff’s complaint [D.E. 11], and the Court having considered the papers submitted in support thereof and in opposition thereto; and for good cause shown, and for the reasons set forth in the opinion filed herewith,

**IT IS** on this 30th day of June, 2015, hereby

**ORDERED** that Defendants’ motion to dismiss count 1 of Plaintiff’s complaint is denied, and it is further

**ORDERED** that Defendants’ motion to dismiss count 4 plaintiff’s complaint is granted.

/s/Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.