

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:15-cv-505-D

LAKEVIEW LOAN SERVICING, LLC,

Plaintiff,

vs.

JAMES MOSELEY, SR., ANGELA
WILSON, MICHAEL A. WILSON, and
the UNITED STATES DEPARTMENT
OF TREASURY, INTERNAL
REVENUE SERVICE

Defendants.

**DEFAULT JUDGMENT AGAINST
DEFENDANT JAMES MOSELEY, SR.,
ANGELA WILSON, AND MICHAEL A.
WILSON**

This matter comes before the Court on the Plaintiff's Motion for Default Judgment against Defendants James Moseley, Sr., Angela Wilson, and Michael A. Wilson, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. Based upon a review of the pleadings and other matters of record in this case, this Court finds and concludes as follows:

1. A Complaint was filed and summonses issued in this action on July 31, 2015 with the Granville County Superior Court (File No. 15-CVS-663). This matter was removed to this Court on September 25, 2015 by the United States Department of Treasury, Internal Revenue Service. (*See* Dk. No. 1).

2. The summons and Complaint were served upon all parties, and the time for pleading, answering or otherwise responding has expired.

3. Defendants James Moseley, Sr., Angela Wilson, and Michael A. Wilson have not responded to the Complaint, and Default against these Defendants was duly entered by this Court on June 7, 2016.

4. The instant action relates to a parcel of real property located at 120 Rectory Street, Oxford, Granville County, North Carolina, 27565 (the "Subject Property"), and a Deed of Trust for the Subject Property, executed by Defendant James Moseley, Sr. and in the amount of \$116,674.00, which was recorded on October 18, 2007 at Book 1235, Page 808 of the Granville County Registry ("2007 Deed of Trust").

5. The 2007 Deed of Trust contains the correct address and parcel identification number for the Subject Property, but Exhibit A of the 2007 Deed of Trust does not contain an accurate legal description for the Subject Property.

6. The legal description on Exhibit A of the 2007 Deed of Trust was an unintentional and mutual mistake that does not reflect the actual intention of the parties. The 2007 Deed of Trust should be reformed to reflect the true and accurate legal description of the Subject Property.

7. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, this Court has the authority to direct a final judgment as to fewer than all the parties when there is no just reason for delay. Based upon the representations by Plaintiff regarding an agreement with Defendant Internal Revenue Service ("IRS"), there is no concern for inconsistent verdicts following the entry of this Default Judgment. Accordingly, good cause exists and there is no just reason to delay entry of this Default Judgment against Defendants James Moseley, Sr., Angela Wilson, and Michael A. Wilson.

8. Plaintiff's Motion for Default Judgment should be granted, and Judgment should be entered against Defendant James Moseley, Sr., Angela Wilson, and Michael A. Wilson in accordance with the prayer for relief set forth in the Complaint.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECLARED as follows:

1. Plaintiff's Motion for Default Judgment is granted.

2. As to the Subject Property located at 120 Rectory Street, Oxford, Granville County, North Carolina, 27565, the 2007 Deed of Trust, on October 18, 2007 at Book 1235, Page 808 of the Granville County Registry, shall be reformed such that the current Exhibit A shall be deleted in its entirety, and the Legal Description in the 2007 Deed of Trust shall be and shall read, and shall be effective from and retroactive to the date of filing, being October 18, 2007, as follows:

A certain lot or parcel of land situate on the south side of Rectory Street in the City of Oxford and particularly described as follows:

BEGINNING at a point on the south side of Rectory Street 181.5 feet S. 63 deg. 30' W. from the point of intersection of the south line of Rectory Street and the west line of New College Street; thence from said point along the line of (now or formerly) Mrs. L. G. Breedlove, South 26 degrees 30 minutes East 240 feet to a point in the line of (now or formerly) L. W. Stark, deceased; thence from the line of (now or formerly) S.W. Stark N. 63 deg. 30' E 96 feet to a point; thence from said point along the line of (now or formerly) L. W. Stark, A.H.A. Williams and Mrs. M. A. King, N. 26 deg. 30' W. 240 feet to a point in the south side of Rectory Street; thence with the outside of Rectory Street S. 63 deg. 30' W. 96 feet to the point of beginning.

For further reference see Deed Book 220, at Page 841, Deed Book 252, at Page 551, and Deed Book 699, at Page 915, Granville County Registry.

Parcel ID: 192313048088

3. That the reformation set forth in this Judgment shall relate back and be retroactive from the date of filing of the 2007 Deed of Trust, being October 17, 2007, such that the 2007 Deed of Trust is a valid and enforceable, first priority lien upon the entire fee simple interest in the Subject Property.

4. This Default Judgment does not alter, modify, or remove any of the IRS Tax Liens.

5. That this Judgment may be recorded in the public land records of the Granville County, North Carolina for the purpose of establishing record notice of this proceeding in the chain of title of the property.

SO ORDERED. This 14 day of December, 2016.



JAMES C. DEVER III
Chief United States District Judge