

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: THE FORECLOSURE BY DAVID )  
A. SIMPSON, P.C., SUBSTITUTE TRUSTEE, )  
OF A DEED OF TRUST EXECUTED BY )  
THOMAS CLAYTON AND GAIL )  
CLAYTON, DATED APRIL 22, 2003 AND )  
RECORDED ON MAY 15, 2003, IN BOOK )  
NO. 1870, AT PAGE 513 OF THE )  
ALAMANCE COUNTY PUBLIC REGISTRY )

1:11CV783

BRANCH BANKING AND TRUST, )  
DAVID A. SIMPSON, P.C., and JOHN DOES )  
1-10, )

Petitioners, )

v. )

GAIL CLAYTON and THOMAS CLAYTON, )

Respondents. )

ORDER

BEATY, District Judge.

This matter is before the Court on a Recommendation of the United States Magistrate Judge recommending the Motion to Remand [Doc. #10] filed by Branch Banking and Trust Co. (“BB&T”) and David A. Simpson, P.C., be granted, and that this action be remanded to the Alamance County, North Carolina, Superior Court. The Recommendation was filed on September 12, 2012, and notice was served on the parties pursuant to 28 U.S.C. § 636(b). On September 27, 2012 and September 28, 2012, Gail Clayton and Thomas Clayton filed timely Objections and Amended Objections to the Recommendation [Docs. #39 & #40]. The Court has now reviewed de novo the Objections and the portions of the Recommendation to which objection was made, and finds that the Objections do not change the substance of the United

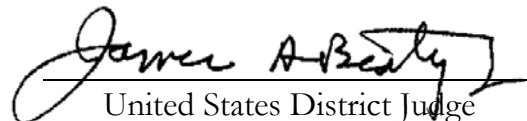
States Magistrate Judge's ruling. The Magistrate Judge's Recommendation [Doc. #37] is therefore affirmed and adopted.

IT IS THEREFORE ORDERED that the Motion to Remand [Doc. #10] filed by BB&T and David A. Simpson, P.C., is GRANTED and this action is REMANDED to the Alamance County, North Carolina, Superior Court.

IT IS FURTHER ORDERED that the Motion to Dismiss [Doc. #13] filed by BB&T and David A. Simpson, P.C., is DENIED as MOOT.

IT IS FINALLY ORDERED that the Motion for Default Judgment [Doc. #12] and Motion for Summary Judgment [Doc. #21] filed by Gail Clayton and Thomas Clayton are DENIED without prejudice in light of the remand.

This, the 17<sup>th</sup> day of January, 2013.

  
United States District Judge