IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv69

SYNOVUS BANK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
EMIL HURTAK and PATRICIA HURTAK	)	
	)	
	)	
Defendants.	)	
_____	)	

In their Answer to Plaintiff's Complaint, Defendants asserted Counterclaims and a Third Party Complaint. Plaintiff then moved to strike the Answer and Third Party Complaint [# 11] and moved to dismiss the Counterclaims [# 13]. Within twenty-one days of the filing of the Motion to Dismiss, Defendants filed an Amended Answer, which they were allowed to do as a matter of course. See Fed. R. Civ. P. 15(a). The Amended Answer, however, supercedes the original Answer, Counterclaims, and Third Party Complaint. Accordingly, the Court **DENIES as moot** the Motion to Dismiss Counterclaims [# 13] and Motion to Strike Answer to Complaint [# 11]. The Court also **DIRECTS** the Clerk to docket the Answer to Answer [# 16] as the Amended Answer to Complaint.

Signed: August 2, 2011

Dennis L. Howell
United States Magistrate Judge