

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18 CV 117**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**129 RESERVOIR RIDGE DRIVE,
CULLOWHEE, NC,** Real Property more
particularly described in a document at
Book 1898, Pages 775-777 in the office of
the Register of Deeds for Jackson County,
NC,

Defendant.

ORDER

This matter is before the Court on the Motion to Substitute Party by Flagstar Bank, FSB (“Flagstar”) (Doc. 19).

Flagstar’s Motion states that “[t]he loan evidenced by the Note and secured by the Deed of Trust has been transferred to Flagstar.” *Id.* at 2. Flagstar’s supporting brief, however, provides that “[s]ervicing of the Note secured by the Deed of Trust has transferred to Flagstar.” Br. (Doc. 20) at 2. The record is therefore unclear as to whether Flagstar has obtained ownership of the debt or is servicing it on behalf of Chase, which had previously represented it was the holder and owner of the Note and Deed of Trust.

Accordingly, Flagstar is **DIRECTED** to provide, within ten (10) days of the entry of this Order, clarification of its position regarding the loan. If Flagstar is not the

owner of the loan, its response should include authorities to support its position that a loan servicer, and not the owner of a loan, would be the proper party to a civil forfeiture proceeding.

Signed: May 3, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

