

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
CIVIL CASE NO. 2:12-cv-00034-MR-DLH**

**ASSET HOLDING COMPANY 5, LLC, )  
as assignee of UNITED COMMUNITY )  
BANK (GEORGIA), )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MARSHALL E. CORNBUM, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )**

**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court *sua sponte*.

On June 26, 2013, counsel for the Plaintiff moved to withdraw as counsel of record in this case. [Doc. 35]. On June 28, 2013, Magistrate Judge Dennis L. Howell granted the motion and allowed counsel to withdraw. [Doc. 29]. In that Order, Judge Howell admonished the Plaintiff as follows:

As a corporation, Plaintiff may not appear in this Court *pro se*, and the failure of Plaintiff to obtain new counsel will result in the Court recommending that the District Court dismiss this case.

[Doc. 29 at 1]. More than ten (10) days have passed from the entry of Judge Howell's Order, and Plaintiff has failed to have new counsel make an

appearance on its behalf. Accordingly, the Court will dismiss this action without prejudice.

**IT IS, THEREFORE, ORDERED** that this action is hereby **DISMISSED WITHOUT PREJUDICE.**

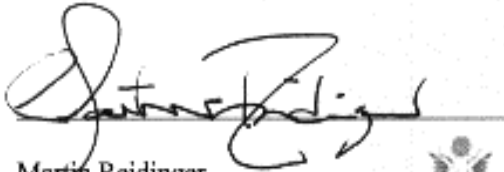
**IT IS FURTHER ORDERED** that the following motions pending herein are **DENIED AS MOOT:**

- (1) Plaintiff's Motion for Judgment on the Pleadings [Doc. 15];
- (2) Plaintiff's Motion to Consolidate [Doc. 16];
- (3) Defendants' Motion for Leave to File Second Amended Answer [Doc. 22]; and
- (4) Great Oak Lender, LLC's Motion to Intervene [Doc. 30].

The Clerk of Court is respectfully **DIRECTED** to mail a copy of this Order to the Plaintiff Asset Holding Company 5, LLC at its last known address: 48 Wall St., 4th Floor, New York, NY 10005-2911.

**IT IS SO ORDERED.**

Signed: August 12, 2013

  
Martin Reidinger  
United States District Judge 