

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Washington Mutual Bank

Plaintiff,

vs.

Keith Dillard, et al.

Defendants.

Case No. 1:07-cv-2186

Judge Christopher A. Boyko

**ORDER CANCELLING SALE
PROCEEDINGS, VACATING
JUDGMENT, AND DISMISSING
CASE**

This matter is before the Court on the motion of Plaintiff for an order cancelling sale proceedings, vacating the judgment and decree of foreclosure entered in this case under Fed. R. Civ. P. 60(b)(5) and for an order dismissing this case under Fed. R. Civ. P. 41(a)(2) of the Federal Rules of Civil Procedure. The Court hereby grants Plaintiff's motion. The judgment and decree of foreclosure entered in this case are hereby vacated and this action is hereby dismissed without prejudice at Plaintiff's costs. The Clerk is hereby ordered to distribute \$500.00 to Rodger A. Pelagalli, the assigned master commissioner, from Plaintiff's deposit and to distribute the remaining \$630.00 to Plaintiff.

IT IS SO ORDERED.

s/Christopher A. Boyko

Christopher A. Boyko
UNITED STATES DISTRICT JUDGE

September 19, 2008