

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

TAMMIE M. DELANEY, and
MICHAEL E. DELANEY,

Civil Case No. 10-977-KI

Plaintiffs,

ORDER

vs.

ONEWEST BANK, FSB, a federally chartered savings bank; **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, a Delaware corporation; and **REGIONAL TRUSTEE SERVICES CORPORATION**, a Washington corporation,

Defendants.

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KING, Judge:

At oral argument on defendants' motion to dismiss this action seeking to enjoin the foreclosure in process against plaintiffs' home, it became clear that some of the documents in the chain of title for the property are not part of the record. Plaintiffs need to revoke a quit claim deed they had executed and recorded. Furthermore, plaintiffs wanted to amend the complaint in an attempt to narrow the issues once all relevant documents had been located. Because everything is in a state of flux at the moment, and because I would prefer to come to a well-reasoned conclusion on a cleaner evidentiary record with streamlined claims, I put in place a schedule for counsel that will result in cross summary judgment motions being briefed within a few months.

For these reasons, the Motion to Dismiss by Defendants OneWest Bank, FSB, and Mortgage Electronic Registration Systems, Inc. (#9) and Defendant Regional Trustee Services Corporations's Joinder to OneWest Bank, FSB and Mortgage Electronic Registration Systems,

Inc's Motion to Dismiss (#16) are denied. The preliminary injunction I entered on August 26, 2010 will remain in place until I decide this case on the merits.

IT IS SO ORDERED.

Dated this 29th day of September, 2010.

/s/ Garr M. King
Garr M. King
United States District Judge