

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**MARK HILGER and JANET HILGER**

**Plaintiffs,**

**VS.**

**BANK OF AMERICA, N.A.**

**Defendant.**

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**Case No. 4:12cv214**

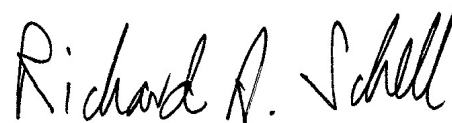
**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 25, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Bank of America, N.A.’s Motion to Dismiss Plaintiffs’ Original Petition Under Rule 12(b)(6) (Dkt. 5) be GRANTED and that Plaintiffs’ claims be dismissed with prejudice for failure to state a claim.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the court. Therefore, Defendant Bank of America, N.A.’s Motion to Dismiss Plaintiffs’ Original Petition Under Rule 12(b)(6) (Dkt. 5) is GRANTED and Plaintiffs’ claims are dismissed with prejudice for failure to state a claim.

**IT IS SO ORDERED.**

**SIGNED this the 27th day of March, 2013.**



**RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE**