

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

KENNETH E. MASON, JR. and	§	
KIMBERLY G. MASON	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	Case No. 4:12cv400
	§	
BANK OF AMERICA, NATIONAL	§	
ASSOCIATION; MORTGAGE	§	
ELECTRONIC REGISTRATION	§	
SYSTEMS, INC.; MERSCORP, INC.;	§	
STEWART TITLE COMPANY; and	§	
STEWART TITLE GUARANTY	§	
COMPANY	§	
	§	
Defendants.	§	

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


Came on for consideration the reports 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 14, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and a recommendation that Plaintiffs' Motion to Remand (Dkt. 30) be DENIED (*see* Dkt. 38). On February 25, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Bank of America, National Association, MERSCORP., Inc., and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiffs First Amended Complaint (Dkt. 6) and Defendants Stewart Title Company and Stewart Title Guaranty Company's Motion to Dismiss Plaintiffs' First Amended Complaint for Failure to State a Claim (Dkt. 8) be GRANTED and that Plaintiffs' claims herein be dismissed with prejudice for failure to state a claim (*see* Dkt. 40).

The court has made a *de novo* review of the objections raised by Plaintiffs (Dkts. 43, 44, 46, 47) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiffs' objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Plaintiffs' Motion to Remand (Dkt. 30) is DENIED, Bank of America, National Association, MERSCORP., Inc., and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiffs First Amended Complaint (Dkt. 6) and Defendants Stewart Title Company and Stewart Title Guaranty Company's Motion to Dismiss Plaintiffs' First Amended Complaint for Failure to State a Claim (Dkt. 8) are GRANTED, and Plaintiffs' claims herein are dismissed with prejudice for failure to state a claim.

IT IS SO ORDERED.

SIGNED this the 28th day of March, 2013.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE