IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

BRIAN PARKER,		
Plaintiff,		
v.	Civ	ril Action No. 3:12-CV-4297-L
US BANK NATIONAL ASSOCIATION,		
as Trustee and Successor-in-interest to		
Wachovia Bank N.A. (formerly known as		
First Union National Bank) and as a Trustee		
for Park Place Securities, Inc., Asset-		
Backed Pass-Through Certificates Series		
2004-WWF1; and AMERICA'S		
SERVICING COMPANY,		
Defendants.		

ORDER

Before the court is Defendants' Motion for Summary Judgment (Doc. 16), filed September 6, 2013, and the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") (Doc. 32) entered by Magistrate Judge Renee Harris Toliver on January 27, 2014, recommending that Defendant's Motion for Summary Judgment be granted and Plaintiff's claims be dismissed with prejudice. In addition, the magistrate judge recommends that Defendants' request for attorney's fees in the amount of \$18,255.50 be granted and that Defendants' request for attorney's fees in the amount of \$60,000 in the event of appeal be denied. Plaintiff filed objections to the Report, to which Defendants responded.

Having reviewed Defendants' motion, the parties' briefs, the record, the Report, Plaintiff's objections, and applicable law, the court determines that the findings and conclusions as to

Defendants' Motion for Summary Judgment are correct, and accepts them as those of the court. The court therefore overrules Plaintiff's objections, grants Defendants' Motion for Summary Judgment, and dismisses with prejudice Plaintiff's declaratory judgment and quiet title claims. Further, the court grants Defendants' request for attorney's fees in the amount of \$18,255.50, as it determines that this amount was reasonable and necessary for the defense of the claims asserted by Plaintiff, and denies as premature Defendants' request for attorney's fees on appeal. Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the court will enter a judgment by separate document.

It is so ordered this 25th day of June, 2014.

Sam A. Lindsay

United States District Judge