

IN THE CHANCERY COURT OF DESOTO COUNTY MISSISSIPPI
IN THE 3rd JUDICIAL DISTRICT

DEUTSCHE BANK NATIONAL TRUST)	
COMPANY AS TRUSTEE FOR MORGAN)	
STANLEY ABS CAPITAL I INC., TRUST)	CIVIL ACTION FILE
2006-HE5, MORTGAGE PASS-THROUGH)	NO. 11-05-1089
CERTIFICATES, SERIES 2006-HE5,)	
)	
Plaintiff,)	
v.)	
)	
SHARON BROCK and COLLEGE HILLS)	
HOMEOWNERS ASSOCIATION, INC.,)	
)	
Defendants.)	

**JUDGMENT ON THE PLEADINGS AS TO SHARON BROCK
AND FINAL ORDER**

The Motion of Deutsche Bank National Trust Company as Trustee for Morgan Stanley ABS Capital I Inc., Trust 2006-HE5, Mortgage Pass-Through Certificates, Series 2006-HE5 (hereinafter, "Plaintiff" or "Deutsche Bank"), for Judgment on the Pleadings against Sharon Brock (hereinafter, "Ms. Brock") having come before the Court and after considering the Motion and the Brief attached thereto, as well as all other pleadings of record, the Court makes the following Findings of Fact and Conclusions of Law:

STATEMENT OF FACTS

This action concerns the real property located at 3826 Lake Village Cove South, Olive Branch, DeSoto County, Mississippi 38654 (hereinafter, the "Property") and being more particularly described as follows:

Lot 32, College Hills PUD, First Revision, Situated in Section 18, Township 2 South, Range 6 West, DeSoto County, Mississippi, as per Plat

{BAC.0619/S0308723_1}

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thereof recorded in Plat Book 55, Pages 3-5, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

On July 11, 2005, the Property was conveyed to Walter Sellers by Warranty Deed from Action Interiors, Inc. (hereinafter, the "First Warranty Deed"). The First Warranty Deed was recorded July 13, 2005, in Deed Book 504, Page 367, DeSoto County, Mississippi records.

On May 31, 2006, the Property was conveyed to Ms. Brock by Warranty Deed from Walter Sellers (hereinafter, the "Second Warranty Deed"). The Second Warranty Deed was recorded June 5, 2006, in Deed Book 530, Page 488, DeSoto County, Mississippi records.

To finance her purchase of the Property, Ms. Brock obtained a loan for One Hundred Sixty-Two Thousand and 00/100 Dollars (\$162,000.00) from Decision One Mortgage Company, LLC (hereinafter, the "Loan"). As evidence of this indebtedness, Ms. Brock executed a promissory note dated May 31, 2006, in favor of Decision One Mortgage Company, LLC (hereinafter, the "Note").

To secure repayment of the Note, Ms. Brock executed a Deed of Trust conveying the Property to Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, LLC. (hereinafter, the "Deed of Trust"). The Deed of Trust was recorded June 5, 2006, in Deed Book 2,487, Page 248, DeSoto County, Mississippi records.

The Second Warranty Deed and Deed of Trust incorrectly referenced the Property as being Lot 34. The correct Lot number is Lot 32.

On January 18, 2008, the Second Warranty Deed was re-recorded to correct the legal description to reflect Lot number to 32 in Book 576, Page 723, DeSoto County, Mississippi Records. The Deed of Trust legal description remains incorrect.

The Deed of Trust was assigned from Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, LLC to Deutsche Bank via that certain Assignment recorded February 15, 2008 in Book 2,857, Page 108, DeSoto County, Mississippi Records (hereinafter the "Assignment");

The Plaintiff filed a Complaint in the above-captioned matter with this Court on May 31, 2011, to reform the Deed of Trust to correct the legal description therein, and to declare by virtue of the Deed of Trust that Deutsche Bank holds a valid, enforceable, first position lien on the entire Property.

On August 25, 2011, Ms. Brock filed a response to Plaintiff's Complaint for Declaratory Judgment and Reformation. Ms. Brock's Response did not deny Plaintiff's allegation that the Deed of Trust legal description was incorrect. Additionally, Ms. Brock did not deny that the Deed of Trust was a purchase money loan intended to be a first priority security interest on the Property. Instead of responding to the factual allegations of Plaintiff's Complaint, Ms. Brock's response merely demanded a copy of the original Mortgage Note and demanded that the Court "deny the Reformation and Declaratory Judgment based on failure to provide the court with substantial evidence to support the claim, as required by UCC Article 3". No actual discovery requests from Ms. Brock were received by Plaintiff.

On October 8, 2011, Ms. Brock was served with Summons and Complaint via personal service. The Affidavit of Service was filed with the Court on October 28, 2011.

On October 25, 2011, Plaintiff sent Original Discovery Requests to Ms. Brock including: Plaintiff's First Continuing Interrogatories to Defendant Sharon Brock, Plaintiff's First Request for Admissions to Defendant Sharon Brock, and Plaintiff's First Request for Production of Documents to Defendant Sharon Brock. The M.R.C.P. Rule 5(a) Certificate was filed with the Court on October 28, 2011.

On November 8, 2011, Ms. Brock filed an additional Response to Plaintiff's Complaint for Declaratory Judgment and Reformation (hereinafter the "Second Response"). Ms. Brock's Second Response did not deny any of the factual allegations of Plaintiff's Complaint.

CONCLUSIONS OF LAW

The Court concludes that the undisputed facts in the pleadings entitle Plaintiff to judgment as a matter of law.

IT IS THEREFORE ORDERED AND ADJUDGED that Deutsche Bank's Motion for Judgment on the Pleadings is granted against Sharon Brock and that judgment entered in Plaintiff's favor as follows:

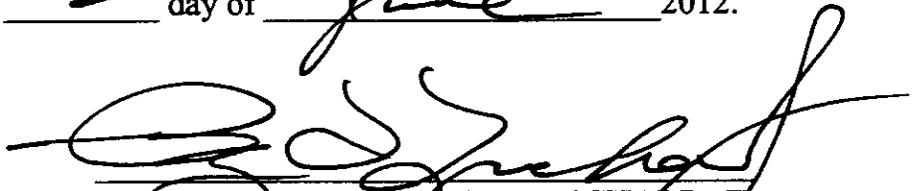
- (a) That the Deed of Trust recorded in Book 2,487, Page 248, DeSoto County, Mississippi records, is hereby reformed to include the legal description as correctly stated as follows:

Lot 32, College Hills PUD, First Revision, Situated in Section 18, Township 2 South, Range 6 West, DeSoto County, Mississippi, as

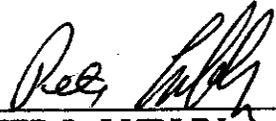
per Plat thereof recorded in Plat Book 55, Pages 3-5, in the Office of the Chancery Clerk of DeSoto County, Mississippi;

- (b) That Deutsche Bank holds a valid, enforceable first position lien on the entire property by virtue of the Deed of Trust recorded in Deed Book 2,487, Page 248, DeSoto County, Mississippi records; and
- (c) Court costs are hereby assessed against the Plaintiff.

SO ORDERED, this 20th day of June 2012.


THE HONORABLE PERCY LYNCHARD, JR.
Chancellor, Chancery Court of DeSoto County

Order prepared and presented by:

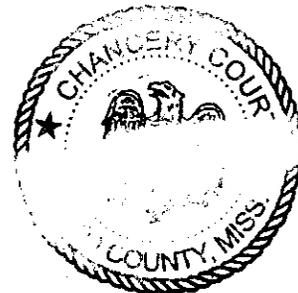

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College Hills Homeowners Association, Inc.
c/o President, Phillip Evans
3670 Spring Lake Boulevard
Olive Branch, Mississippi 38654



STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 6 day of July, 2012
W.E. Davis, Clerk of the Chancery Court
By W. P. Pinner D.C.