

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF:

RICHARD P. LOTFY  
SHARI D. LOTFY,  
Debtors

CHAPTER 13  
CASE NO. 08-40106

RICHARD P. LOTFY  
SHARI D. LOTFY,  
Plaintiffs

v.

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

and

INDYMAC BANK, FSB  
Defendants

ADVERSARY PROCEEDING  
CASE NO. 08-04071

**ASSENT TO CO-DEFENDANT, MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. MOTION TO DISMISS PURSUANT TO FED.R.CIV.P.12(b)(6)**

TO THE HONORABLE JUDGE JOEL B. ROSENTHAL:

Now comes the Plaintiffs, by and through their counsel, Rosaleen J. Clayton, who hereby assent to the Co-Defendant, Mortgage Electronic Registration Systems, Inc. ("MERS")'s Motion to Dismiss the Complaint.

In support thereof, Plaintiffs state that a further review of the documents supports the Co-Defendant's position that the evidence does not support a claim against MERS upon which relief may be granted.

WHEREFORE, Plaintiffs pray that the Motion to Dismiss filed by Co-Defendant MERS be GRANTED and that a Hearing on the matter not be scheduled

Respectfully submitted,  
Plaintiffs,  
By their Attorney  
Rosaleen J. Clayton

/s/ Rosaleen J. Clayton  
BBO 652132  
319A Southbridge Street  
Auburn, MA 01501  
(508) 832-9006  
(508) 832-9112 (facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above Assent was served via first class mail and/or ECF on the parties listed.

Dated: July 31, 2008

/s/ Rosaleen J. Clayton  
Rosaleen J. Clayton

Denise M. Pappalardo  
P.O. Box 16607  
Worcester, MA 01601

Office of the United States Trustee  
446 Main Street, 14<sup>th</sup> Floor  
Worcester, MA 01608

Joseph P. Corrigan  
ORLANS MORAN PLLC  
45 School Street  
Boston, MA 02108