

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
Proceeding Memorandum/Order

In re RICHARD P. and SHARI D. LOTFY, 08-40106

In Re: Richard P. and Shari D. Lotfy et al v. FDIC

Case Number: 08-04071 ( JBR )

Matter:

Chapter:

#52 Plaintiffs' Motion For Summary Judgment Against Defendant FDIC, As Receiver For Indymac Bank, FSB and #60 Response of Defendant

MOVANT/APPLICANT/PARTIES

Rosaleen J. Clayton for Plaintiffs  
John T. Precobb for Defendant

COURT ACTION:

Show Cause Order \_\_\_\_\_ Released \_\_\_\_\_ Enforced \_\_\_\_\_  
\_\_\_\_\_ Granted \_\_\_\_\_ Approved \_\_\_\_\_ Moot \_\_\_\_\_  
\_\_\_\_\_ Denied \_\_\_\_\_ Denied without Prejudice \_\_\_\_\_  
\_\_\_\_\_ Withdrawn in Open Court \_\_\_\_\_  
\_\_\_\_\_ Sustained \_\_\_\_\_ Overruled \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Proposed Order to be Submitted by: \_\_\_\_\_  
Stipulation to be Submitted by: \_\_\_\_\_  
Taken Under Advisement \_\_\_\_\_

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

~~By agreement~~

FDIC acknowledges that foreclosure was invalid and the Court so finds. Plaintiff shall have 30 days within which to file further pleadings with respect to attorneys' fees and costs. If no filing made within such time, AP will be closed.

SO ORDERED:

Joel B. Rosenthal Dated: 12/10/09  
Joel B. Rosenthal