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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:**

**Suzanne and Etsuro Nishiyachi,  
Debtors.**

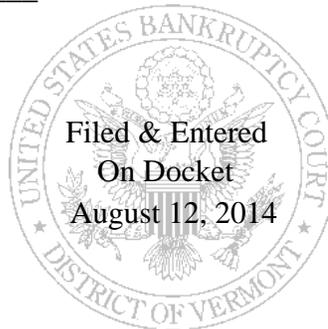
**Chapter 13  
Case # 10-10350**

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**Suzanne and Etsuro Nishiyachi,  
Plaintiffs,**

**vs.**

**Citibank, N.A., Mortgage Electronic  
Registration Systems, Inc.,  
CTX Mortgage Company, LLC, and  
EMC Mortgage Corporation, Inc.,  
Defendants.**



**Adversary Proceeding  
# 10-1031**

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*Appearances:* **Heather R. Hammond, Esq.**  
*Gravel & Shea*  
*Burlington, VT*  
*For Defendants*

*Rebecca A. Rice, Esq.*  
*Cohen & Rice*  
*Rutland, VT*  
*For Plaintiffs*

**ORDER**  
**STRIKING, OR ALTERNATIVELY, DENYING,**  
**JPMORGAN CHASE BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT**

For the reasons set forth in the memorandum of decision of even date, THE COURT FINDS that the summary judgment motion is not properly before the Court. Alternatively, the Court finds that JPMorgan Chase Bank, N.A., as successor to EMC Mortgage, has failed to demonstrate that there are no material facts in dispute with respect to its standing to enforce the note.

Accordingly, IT IS HEREBY ORDERED that the Motion is stricken, or alternatively, denied.

SO ORDERED.

August 11, 2014  
Burlington, Vermont

A handwritten signature in black ink, appearing to read "Colleen A. Brown".

Colleen A. Brown  
United States Bankruptcy Judge