

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**



In re:

**Christopher and Ellen Knudsen,
Debtors.**

**Chapter 13
Case # 08-10726**

**Christopher and Ellen Knudsen,
Plaintiffs,**

vs.

**Mortgage Electronic Registration Systems,
Inc., Bank of America, N.A., Litton Loan
Servicing, L.P., U.S. Bank, N.A. as Trustee,
and Ocwen Loan Servicing, L.P.,
Defendants.**

**Adversary Proceeding
13-1005**

Appearances: *Richard Volpe, Esq.*
 Shectman Halperin Savage, L.L.P.
 Pawtucket, RI
 For Defendants

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

ORDER
GRANTING IN PART, AND DENYING IN PART, DEFENDANTS’ MOTION TO DISMISS

For the reasons set forth in the memorandum of decision of even date, THE COURT FINDS that (1) the Plaintiffs have adequately pled their first claim challenging the claimant’s right to file a proof of claim, (2) MERS is an appropriate defendant, and (3) the Plaintiffs have failed to sufficiently plead their claim concerning the accuracy of the amounts owed on the debt which is the subject of this proceeding.

Accordingly, IT IS HEREBY ORDERED that the Defendants’ Motion to Dismiss (doc. # 8) is granted with respect to Count Two of the Complaint (contesting the accuracy of the amounts owed), and denied with respect to Count One of the Complaint (challenging the Defendants’ right to file a proof of claim) and the propriety of including MERS as a party Defendant.

IT IS FURTHER ORDERED that the Plaintiffs' objections to the motion to dismiss (doc. # 9) are overruled as to their claim relating to the accuracy of the amounts owed on the loan.

SO ORDERED.

July 1, 2013
Burlington, Vermont

A handwritten signature in black ink, appearing to read "Colleen A. Brown". The signature is written in a cursive style with a horizontal line underneath it.

Colleen A. Brown
United States Bankruptcy Judge