

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Peter and Lynn Monty,
Debtors.**

**Chapter 13
Case # 11-11127**

**Peter and Lynn Monty,
Plaintiffs,**

vs.

**U.S. Bank, N.A. as Trustee for JP
Morgan Acquisition Trust 2006-CW,
Mortgage Electronic Registration Systems,
Inc., and Bank of America, N.A.,
Defendants.**

**Adversary Proceeding
13-1004**

Appearances: *Douglas J. Wolinsky, Esq.*
 Primmer, Piper, Eggleston & Cramer, P.C.
 Burlington, VT
 For Defendants

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

ORDER
GRANTING IN PART, AND DENYING IN PART, DEFENDANTS' MOTION TO DISMISS
AND OVERRULING CERTAIN OF PLAINTIFFS' OBJECTIONS THERETO

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, asserting that USB lacked standing to file a POC, and (2) the Plaintiffs have failed to plead facts sufficient to establish that their remaining claims are not time-barred.

Accordingly, IT IS HEREBY ORDERED that with respect to the motion to dismiss filed by the Defendants (doc. # 9), the Defendants' motion to dismiss is denied with respect to the cause of action nominated by the Plaintiffs as their claim based upon standing, and the Defendants' motion to dismiss is granted as to all remaining claims.

IT IS FURTHER ORDERED that the Plaintiffs' objection to the motion to dismiss (doc. # 10) is overruled except as to their arguments with respect to the Defendants' right to file a proof of claim.

SO ORDERED.

June 10, 2013
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge