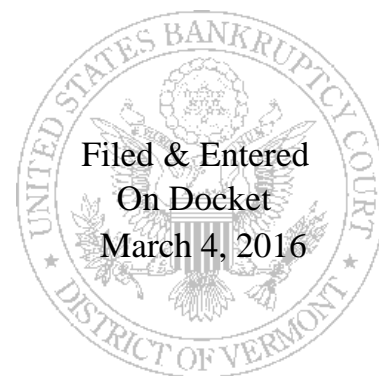


**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**



In re:

**Peter N. Rubino and
Patricia L. Rubino,
Debtors.**

**Chapter 13
Case # 08-11041**

**Peter N. Rubino and Patricia L. Rubino,
Plaintiffs,**

vs.

**Deutsche Bank National Trust Company,
as Indenture Trustee for American Home
Mortgage Investment Trust 2007-2,
Mortgage-Backed Notes, Series 2007-2,
and Ocwen Loan Servicing, LLC,
Defendants.**

**Adversary Proceeding
14-1011**

Appearances: *Rebecca Rice, Esq.
Cohen & Rice
Rutland, Vermont
For the Plaintiffs*

*Andre Bouffard, Esq.
Downs, Rachlin & Martin
Burlington, Vermont
For the Defendants*

**ORDER
ON THE CROSS MOTIONS FOR SUMMARY JUDGMENT**


For the reasons set forth in the memorandum of decision of even date, IT IS HEREBY
ORDERED that

1. the Plaintiffs' motion for summary judgment is denied and judgment is entered in favor of the Defendants on the reformation cause of action in this adversary proceeding;
2. the Defendants' motion for summary judgment is granted in part and denied in part:
 - (a) the property description is construed to include only Lot # 3,
 - (b) the Defendants' lien is subrogated to the lien of CTX, to the extent of the portion of the debt allocable to payment of the CTX Mortgage,¹ in the amount of approximately \$350,886.46, and therefore the Defendants' Mortgage securing that amount encumbers all five lots owned by the Plaintiffs,

- (c) the Defendants' remaining debt, i.e., the amount in excess of that allocable to satisfaction of the previous mortgage, in the amount of approximately \$52,895.43, is not eligible for equitable subrogation or an equitable lien and is therefore secured only by Lot 3; and
3. the parties shall file a stipulation setting forth the exact amount of the sums included in (b) and (c) above by March 25, 2016, as well as any amended plan or amended deeds they deem necessary to implement this Order.

SO ORDERED.

March 4, 2016
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

¹ All capitalized terms in this order have the same meaning ascribed to them in the memorandum of decision.