George C. Paine, II
US Bankruptcy Judge
Dated: 12/03/07



Davidson County ORDER
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20071204-0140230

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	**CINDY CLAIBORNE**	)	**CASE NO: 307-02795**
	259 TANKSLEY AVE	)	**CHAPTER 13**
	NASHVILLE, TN 37211	)	**JUDGE PAINE**
	Debtor(s).	)	
	SSN XXX-XX-9336	)	
		)	
	CINDY CLAIBORNE	)	
	Plaintiff	)	
		)	**ADV. NO: 307-ap-00308**
		)	
	WELLS FARGO MORTGAGE	)	
	Defendant	)	

AGREED ORDER DENYING TRUSTEE'S MOTION TO DISMISS AND OBJECTION TO CONFIRMATION AND STRIKING ADVERSARY COMPLAINT

It appearing to the Court on September 24, 2007 that the Trustee's Motion to Dismiss and Objection to Confirmation and Striking Adversary Complaint in the above referenced case is denied and by agreement between Debtors, Wells Fargo Mortgage and the Chapter 13 Trustee, as evidenced by the signatures of Counsel for the Debtors, Counsel for Wells Fargo Mortgage and the Trustee entered below, respectively, and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Bankruptcy Court as follows:

The Trustee's Motion to Dismiss and Objection to Confirmation is denied. Debtors' case will be allowed to go forward with a plan payment of $1,420.00 monthly.

Wells Fargo Mortgage withdraws their Objection to Confirmation, which was filed on May 14, 2007, and vest the property located at 244 Cedarview Drive, Antioch, Tennessee back into the Chapter 13 Bankruptcy.

The foreclosure Wells Fargo Mortgage cried on April 18, 2007 is hereby declared null and void and is Set Aside as having no legal force and effect.

This Order Revives the Deed of Trust and Reinstates both parties to all of their rights and obligations according to that document referenced as recorded on October 11, 1995, at Book 9824, Page 260 in the Registers Office for Davidson County, Tennessee, executed by Cindy M. Claiborne.

Wells Fargo Mortgage also withdraws their Motion for Relief, which was filed on May 11, 2007, and the ongoing mortgage payments and arrearages for the property located at 244 Cedarview Drive, Antioch, Tennessee shall be paid thru the Chapter 13 Bankruptcy.

The Debtor hereby withdraws her Motion to Compel Wells Fargo Mortgage to Comply with the Subpoena, which was filed on September 11, 2007, and the Motion for Default Judgment Against Wells Fargo Mortgage, which was filed on September 11, 2007.

It is further ORDERED THAT the title to the real property located at 244 Cedarview Drive, Antioch, Tennessee 37213, described as follows:

All that certain parcel of land in Davidson County, State of Tennessee as more fully described in Deed Book 8980, Page 327, ID NO. 163.13-0-230 being known and

designated as Lot No. 1 on the plan of Dreamland Estates, Section 4, as of record in Book 6900, Page 188 Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description. Tax parcel No. 16213023000 shall vest in Debtor, Cindy Claiborne.

It is Further ORDERED THAT the Trustee's Deed dated April 24, 2007, is declared null and void and of no legal effect.

It is Further ORDERED THAT Wells Fargo Home Mortgage is enjoined and barred from filing said Trustee's Deed.

IT is ORDERED THAT the Deed of Trust is revived and Reinstated as to both parties to all of their rights and obligations according to that document referenced as recorded on October 11, 1995, at Book 9824, Page 260 in the Registers Office for Davidson County, Tennessee, executed by Cindy M. Claiborne

Should debtor default in her payments to the Chapter 13 Trustee, Wells Fargo Home Mortgage shall give debtor written notice at 259 Tanksley Ave Nashville TN 37211 and 15 days to cure any default. Failure to cure the default in 15 days shall give Wells Fargo Home Mortgage Relief from the Automatic Stay without further action of this court.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE.

APPROVED FOR ENTRY:
/s/ Mark Podis
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/s/ Henry E. Hildebrand, III

Digitally signed by /s/ Henry E. Hildebrand, III
DN: cn=/s/ Henry E. Hildebrand, III, c=US, o=Chapter 13 Trustee
Date: 2007.11.30 16:05:02 -06'00'

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/s/ Jason Mangrum by permission

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This Order has Been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.