Davidson County ORDER
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Middle District of Tennessee
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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| QUICKEN LOANS, INC., and JEFF SEAL, | ) | |
| | ) | CASE NO. 3:16-0041 |
| Plaintiffs, | ) | |
| vs. | ) | |
| U.S. BANK TRUST, N.A., | ) | |
| Defendant. | ) | |

## AGREED FINAL JUDGMENT

This is an action to quiet title to certain real property located in Davidson County, Tennessee. The competing claims to ownership of the property stem from a dispute as to the priority of two prior deeds of trust on the property, each of which has now been foreclosed. Defendant US Bank Trust, N.A. claims title resulting from its purchase of the property at the foreclosure of one of the competing deeds of trust. Plaintiff Jeff Seal claims title resulting from his purchase of the property from the lender that foreclosed the competing deed of trust. The parties have agreed to settle and resolve this dispute pursuant to a Settlement Agreement, which involves a stipulation that the deed of trust in favor of Option One Mortgage Corporation was a first priority lien, the foreclosure of

which extinguished the deed of trust assigned to US Bank Trust, N.A., and clearing title to the Property in the name of Jeff Seal.

**Factual Background**

The parties' competing claims to the Property or an interest therein are based on the following facts, which are stipulated:

Claim of U.S. Bank

1. On or about July 31, 2007, Paul Wright executed a deed of trust securing certain indebtedness owed to Countrywide Mortgage Ventures, LLC (the "Countrywide DOT"). The Countrywide DOT is dated July 31, 2007 and was recorded with the Davidson County Register of Deeds on August 17, 2007 as Instrument No. 20070817-0098435.

2. Paul Wright defaulted on the indebtedness secured by the Countrywide DOT. Bank of America, N.A., successor by merger to Countrywide, instituted foreclosure proceedings and purchased the Property at foreclosure

3. Following the foreclosure, Bank of America, N.A. assigned its interest in the Property to U.S. Bank Trust, N.A. as trustee for the LSF9 Master Participation Trust, by Trustee's Deed ("Trustee's Deed") recorded by the Register of Deeds of Davidson County, Tennessee on June 15, 2015 as Instrument No. 20150615-0056094.

Claim of Jeff Seal

4. On July 20, 2007, Paul Wright executed a deed of trust in favor of Option One Mortgage Corporation (the "Option One Deed of Trust"). The Option One DOT is dated July 20, 2007 and was recorded with the Davidson County Register of Deeds on August 31, 2007. The Option One DOT was the first priority lien on the Property.

5. Following Wright's default on the loan secured by Option One DOT, and as successor to Option One, Wells Fargo Bank, N.A. foreclosed the Option One DOT and purchased the Property at the foreclosure. The foreclosure of the Option One DOT extinguished all junior liens, including the Countrywide DOT.

6. Following the foreclosure, Wells Fargo Bank, N.A. conveyed the Property by special warranty deed to Jeff Seal on August 18, 2010.

Claim of Quicken Loans

7. On June 6, 2014, Seal granted a deed of trust on the Property to Quicken Loans (the "Quicken Loans DOT"). The Quicken Loans DOT was recorded on June 11, 2014 as Instrument No. 20140611-0051075.

8. The dispute in the present action involves the respective priority of the (now foreclosed) Countrywide DOT and the Option One DOT and the parties' interests in the Property.

9. The parties have agreed to resolve this matter by stipulating that Option One DOT was a first priority lien on the Property, the foreclosure of which extinguished the Countrywide DOT. Accordingly, the foreclosure of the Countrywide DOT is null and has no effect on the title to the Property.

10. Jeff Seal's interest in the Property is subject only to the Quicken Loans DOT.

In accordance with the Parties' agreements and stipulations, it is accordingly ORDERED and ADJUDGED as follows:

11. Option One Deed of Trust was a first priority lien on the Property, the foreclosure of which extinguished the Countrywide DOT.

12. The foreclosure of the Countrywide DOT is null and has no effect on the title to the Property.

13. The Trustee's Deed from Nationwide Trustee Services to U.S. Bank Trust, N.A., recorded by the Register of Deeds of Davidson County, Tennessee on June 15, 2015 as document number 20150615-0056094 is declared null and void *ab initio* and is of no further force and effect.

14. Jeff Seal is the owner of the property described as:

> Being land in Davidson County, Tennessee being Lot Number 3 on the plan of the W.P. Wilburn Subdivision, as of record in Plat Book 5190, Page 171, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to Paul Wright by Special Warranty Deed recorded March 15, 2007, as Instrument No. 20070315-0031645 in the Register's Office for Davidson County, Tennessee.

Commonly known as: 3205 Lakeshore Drive, Old Hickory, TN 37138
Tax Parcel No.: 05409005000

subject to the Quicken Loans DOT.

15. All other claims in this action are dismissed with prejudice.

This is a FINAL JUDGMENT.

HON. ALETA A. TRAUGER
UNITED STATES DISTRICT COURT JUDGE

**APPROVED FOR ENTRY:**

*/s/ John Cobb Rochford*
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# Certificate of Authenticity

I, John Cobb Rochford, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Signature

State of Tennessee
County of Davidson

Personally appeared before me, Dianne R. Sims, a notary public for this county and state, John Cobb Rochford, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

DIANNE R. SIMS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

Notary's Signature

My Commission Expires: 9-11-17