

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

2010 OCT 21 P. 3: 48

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US Bank National Association as Trustee

Plaintiff,

vs.

James W. Renfro, et al.

Defendants.

Case No. CV-10-716322

Judge Nancy Margaret Russe

Magistrate John T. Dyke

MOTION TO VACATE ORDER
FOR SALE AND WITHDRAW
PROPERTY FROM SALE

GERALD E. PUFF
CLERK OF COURT
CUYAHOGA COUNTY, OHIO



Plaintiff moves for an order vacating the Order for Sale which was filed September 15, 2010, issued by the Clerk of Courts to the Sheriff and withdrawing the property that is the subject of this foreclosure action from the Sheriff's sale that is scheduled for November 15, 2010. The property is located at 2515 Klusner Avenue, Parma, OH 44134.

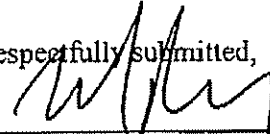
Plaintiff seeks to withdraw the property from sale for the following reason:
Plaintiff moves for an order vacating the order of sale issued in this case. The loan that is the subject of this foreclosure action is being serviced by GMAC Mortgage Corporation ("GMACM"). GMACM is committed to following the State of Ohio's foreclosure process with integrity, candor and fairness. GMACM takes very seriously the procedural and legal requirements related to the foreclosure process.

It has come to GMACM's attention that verification irregularities may have occurred in connection with the execution of certain affidavits used in the judicial foreclosure process. GMACM requests that the order of sale be withdrawn until GMACM can confirm the accuracy of the affidavit supporting the judgment in this matter and, if necessary, execute a new, properly

verified affidavit for Plaintiff's submission to the Court.

Plaintiff intends to request a new order of sale as soon as possible.

Respectfully submitted,



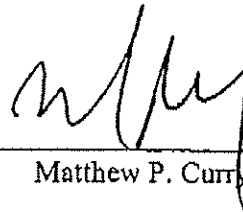
Matthew P. Curry (0078306)
Manley Deas Kochalski LLC
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Columbus, OH 43216-5028
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Fax: 614-220-5613
Email: mpc@mdk-llc.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Vacate Order for Sale and Withdraw Property from Sale was sent to the following by ordinary U.S. Mail, postage prepaid, on the date indicated below:

Unknown Spouse (if any) of James W. Renfro
2515 Klusner Avenue
Parma, OH 44134

Franklin Credit Management Corporation
101 Hudson Street, 25th Floor
Jersey City, NJ 07302



Matthew P. Curry

October 21, 2010

Dated



65633231

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

US BANK, NATIONAL ASSOCIATION
Plaintiff

JAMES W. RENFRO, ET AL
Defendant

Case No: CV-10-716322

Judge: NANCY MARGARET RUSSO

JOURNAL ENTRY

MOTION TO VACATE ORDER OF SALE AND WITHDRAW FROM SALE IS DENIED; THE SALE REMAINS SET FOR 11/15/10. THE PLAINTIFF IS ORDERED TO PROVIDE THE COURT WITH PROOF OF INTEGRITY OF ALL DOCUMENTS SUBMITTED AT A PT SET FOR 11/8/10 AT 1PM.

Judge Signature

10/24/2010

10/24/2010

RECEIVED FOR FILING
10/25/2010 11:50:12
By: CLPAL
GERALD E. FUERST, CLERK