



## AlaFile E-Notice

57-CV-2008-000362.00

Judge: ALBERT L JOHNSON

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

PHYLLIS HORACE VS. LASALLE BANK NATIONAL ASSOCIATION, ET AL  
57-CV-2008-000362.00

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PHYLLIS HORACE, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) RUSSELL COUNTY, ALABAMA  
VS. ) CASE NO. CV 08-362  
LASALLE BANK NATIONAL )  
ASSOCIATION, et al., )  
Defendants, )

ORDER

This cause comes before the court for hearing on March 21, 2011.

It is hereby

ORDERED, ADJUDGED, AND DECREED:

Following hearing and review of all submissions from the parties the Court has come to two conclusions necessary for the disposition of this case:

First, the Court is surprised to the point of astonishment that the defendant trust (LaSalle Bank National Association) did not comply with the terms of its own Pooling and Servicing Agreement and further did not comply with New York Law in attempting to obtain assignment of plaintiff Horace's note and mortgage.

Second, plaintiff Horace is a third party beneficiary of the Pooling and Servicing Agreement created by the defendant trust (LaSalle Bank National Association). Indeed without such Pooling and Servicing Agreements, plaintiff Horace and other mortgagors similarly situated would never have been able to obtain financing.

Consequently, plaintiff's motion for summary judgment is granted to the extent that

defendant trust (LaSalle Bank National Association) is permanently enjoined from foreclosing on the property at 3745 Knowles Road in Phenix City, Alabama.

Further, the Court is of the opinion there is no reason for further delay as to the entry of final judgment concerning the issue of foreclosure by the trust (LaSalle Bank National Association).

That notice shall issue to the parties.

DONE this the 25th day of March, 2011.

  
ALBERT L. JOHNSON, CIRCUIT JUDGE

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CIRCUIT COURT  
PHENIX CITY, ALABAMA