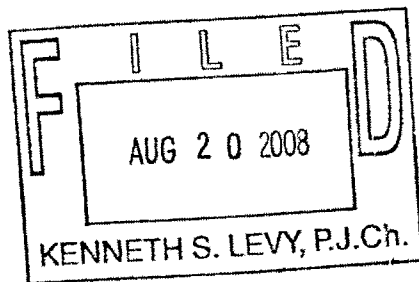


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IND333
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INDYMAC BANK F.S.B.

Plaintiff

vs.

MINGUET PHILIDOR, et als.

Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-
ESSEX COUNTY

DOCKET NO.: F-9318-08

CIVIL ACTION

ORDER

This matter being opened to the Court by FEIN, SUCH, KAHN & SHEPARD, P.C., attorneys for plaintiff, MICHAEL S. HANUSEK, ESQ. appearing on a motion for Summary Judgment and by Defendant MINGUET PHILIDOR pro se on a Cross-Motion to Dismiss the Complaint and the Court having reviewed the papers filed in support of and in opposition to the Motions and having heard the arguments of counsel and for the reasons placed on the record in open court on August 8, 2008 and for good cause shown;

IT IS on this 20th day of August, 2008;

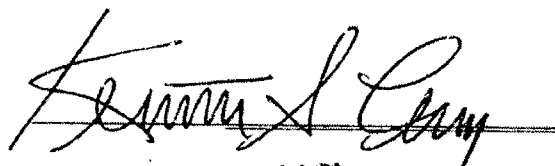
1. ORDERED, that plaintiff's motion for Summary Judgment against defendant(s), MINGUET PHILIDOR, be denied; and it is further
2. ORDERED that Defendant's Motion to dismiss be and is hereby granted and the Plaintiff's **Complaint** in foreclosure be and is hereby

dismissed without prejudice and without costs and it is further

3. ORDERED that the Defendant's **Counterclaim** be and is hereby **withdrawn and dismissed without prejudice** and without costs; and it is further

4. ORDERED, that a copy of this Order be served upon all counsel of record

within seven (7) days of the date hereof.


KENNETH S. LEVY, P.L.C. J.S.C.

Papers Considered:
Motion Opposed ✓
Motion Unopposed