

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

Minute Entry

Hearing Information:

Debtor: ANDREW C BAILEY
Case Number: 2:09-bk-06979-RTBP **Chapter:** 11
Date / Time / Room: WEDNESDAY, JANUARY 19, 2011 01:30 PM 7TH FLOOR #701
Bankruptcy Judge: SARAH SHARER CURLEY
Courtroom Clerk: WANDA GARBERICK
Reporter / ECR: ANDAMO PURVIS

Matter:

ADV: 2-09-01728

ANDREW C. BAILEY vs THE BANK OF NEW YORK MELLON, FKA THE BAN

CONTINUED HEARING RE Motion to Dismiss Complaint Defendants' Motion To Dismiss, With Prejudice, Plaintiff's Fourth Amended Complaint To Determine The Validity, Priority or Extent Of a Lien or Other Interest in Real Property and Petition For Injunctive Relief filed by KYLE S. HIRSCH of BRYAN CAVE LLP on behalf of BAC HOME LOANS SERVICING

R / M #: 50 / 0

Appearances:

ANDREW C BAILEY
KYLE S. HIRSCH, ATTORNEY FOR THE BANK OF NEW YORK MELLON, FKA THE BAN

Proceedings:

Mr. Hirsch states that the custodial record was sent to him by Federal Express, and he has a declaration of when the file was transferred in. Mr. Bailey states that he objects to the proof of claim of BAC and has questions on the assignment of the deed of trust.

COURT: THE COURT NOTES THAT MR. HIRSCH WILL GET ADDITIONAL INFORMATION ON HOW THE LOAN WAS TRANSFERRED TO CWALT TRUST, WILL EXPLAIN THE POOLING AND SERVICING AGREEMENT, AND PROVIDE EVIDENCE THAT THE DEED OF TRUST WAS ASSIGNED. ONCE MR. HIRSCH PROVIDES ALL THE INFORMATION AS REQUESTED BY THE COURT THIS ADVERSARY MAY BE DISMISSED WITH PREJUDICE. IT IS ORDERED CONTINUING THIS HEARING TO MARCH 22, 2011 AT 11:00 A.M. MR. HIRSCH IS DIRECTED TO FILE ALL HIS DOCUMENTS WITH THE COURT BY FEBRUARY 22, 2011, AND MR. BAILEY SHALL FILE HIS RESPONSE BY MARCH 8, 2011. IT IS FURTHER ORDERED THAT PLAINTIFF'S OBJECTION TO THE CLAIM OF BAC IS OVERRULED.