

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA (WEST PALM BEACH)
CASE NO.: 9:09-cv-81255-WPD**

**MARSHA G. RIVERNIDER,
ROBERT H. RIVERNIDER,
CHARLES EDWARD LINCOLN, III,**

Plaintiff,

v.

**U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR THE C-BASS
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2006-CBS,
and all JOHN & JANE DOES 1-50,**

Defendants.

MOTION FOR CLARIFICATION

U.S. Bank National Association, as Trustee for the C-Bass Mortgage Loan Asset-Backed Certificates, Series 2006-CBS (**U.S. Bank**), respectfully requests clarification of an order from this Court.

The Court entered an order on November 18, 2009 [DE-23], granting part, and denying part, of U.S. Bank's motion to dismiss the complaint [DE-8]. After carefully reviewing the order, we need guidance as to which claims remain pending. On page 5, the order indicates that Counts I, III, and V fail to state a claim upon which relief can be granted. On page 7, the order concludes that Counts I, III, and IV should be dismissed. It seems likely that the Court intended to dismiss either Count V, or Count IV, but it is not clear to us which of these claims remain.

U.S. Bank requests that the order be re-issued to identify the claims currently pending. If plaintiffs forgo the right to amend, as authorized within the November 18 order, U.S. Bank requests a response date no earlier than 21 days after the order is re-issued.

Fort Lauderdale
December 3, 2009

s/ Benjamin K. McComas
William P. Heller
Florida Bar No. 987263
e-mail: william.heller@akerman.com
Benjamin K. McComas
Florida Bar No. 63997
e-mail: benjamin.mccomas@akerman.com
AKERMAN SENTERFITT
350 East Las Olas Blvd., Suite 1600
Fort Lauderdale, Florida 33301
954-759-8945(ph)/954-463-2224 (fax)

Counsel for U.S. Bank National Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court on December 3, 2009, by using the CM/ECF system. I also served a true and correct copy of the foregoing by first-class mail on December 3, 2009 on all counsel or parties of record on the attached service list.

s/ Benjamin K. McComas
Benjamin K. McComas

SERVICE LIST

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA – PALM BEACH
CASE NO.: 9:09-cv-81255-WPD**

Marsha G. Rivernider
9246 Delemar Court
Wellington, Florida 33414
Pro Se

Robert H. Rivernider
9246 Delemar Court
Wellington, Florida 33414
Pro Se

Charles Edward Lincoln, III
603 Elmwood Place
Suite 6
Austin, TX 78705
Pro Se

Beth Ann Norrow, Esq.
Butler & Hosch, P.A.
3185 S. Conway Road
Orlando, Florida 32812
Co-Counsel