

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-81255-CIV-DIMITROULEAS

MARSHA G. RIVERNIDER;  
ROBERT H. RIVERNIDER; and  
CHARLES EDWARD LINCOLN, III,

Plaintiffs,

vs.

U.S. BANK NATIONAL ASSOCIATION,  
as Trustee for the C-Bass Mortgage Loan Asset-Backed  
Certificates, Series 2006-CBS, and all JOHN & JANE  
DOES 1-10,

Defendants.

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**ORDER GRANTING CLARIFICATION**

THIS CAUSE is before the Court upon Defendant's Motion for Clarification [DE-27], filed herein on December 3, 2009. The Court has carefully considered the Motion and is otherwise fully advised in the premises.

Accordingly, it is **ORDERED AND ADJUDGED** that page 7 of the Court's Order Granting in Part, Denying in Part Motion to Dismiss [DE-23] is hereby amended to read as follows:

1. Defendant's Motion to Dismiss [DE-8] is hereby **GRANTED in part, DENIED in part**. Counts I, III, and V are hereby **DISMISSED without prejudice**. This ruling is without prejudice to Defendant's ability to raise these arguments at a later stage in the litigation.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida this  
4th day of December, 2009.

  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies furnished to:

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