

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**DAVID MCCRAE AND BARBARA
MCCRAE,**

Plaintiff,

v.

PHH MORTGAGE

Defendant

§
§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:14-cv-00733

ORDER GRANTING DEFENDANT’S MOTION TO DISMISS

On this day the Court considered Defendant PHH Mortgage Corporation, incorrectly named as PHH Mortgage (“Defendant”)’s Motion to Dismiss David McCrae and Barbara McCrae (collectively “Plaintiffs”)’s Amended Petition for Redress of Wrongful Foreclosure Action (the “Complaint”) (Doc. No. 6). The Court, having considered the Motion to Dismiss, objection(s) and response(s) thereto, if any, finds as follows:

Defendant’s Motion to Dismiss, filed pursuant to Rules 9 and 12(b)(6) of the Federal Rules of Civil Procedure, has merit and should be GRANTED. It is therefore,

ORDERED, ADJUDGED, and DECREED that Defendant’s Motion to Dismiss is GRANTED; it is further

ORDERED, ADJUDGED, and DECREED that Plaintiffs’ claims against Defendant are dismissed in their entirety, pursuant to Rules 9 and 12(b)(6) of the Federal Rules of Civil Procedure, with prejudice to re-filing same.

SIGNED THIS ____ DAY OF _____, 2014.

JUDGE PRESIDING