

No. 2013-207-Appeal.

ORDER

On appeal the plaintiffs argue that questions of fact in the case precluded the entry of summary judgment. However, the plaintiffs have failed to submit competent evidence demonstrating the existence of questions of material fact. See Mruk v. Mortgage Electronic Registration Systems, Inc., 82 A.3d 527, 532 (R.I. 2013) (party opposing summary judgment must submit evidence of substantial nature to dispute questions of material fact). The plaintiffs also have offered no competent evidence to support their assertion that the official who executed the assignment of their mortgage was not authorized to sign it.

The plaintiffs further challenge the ability of MERS to assign the mortgage in this case and challenge the legality of having the mortgage and promissory note held by separate entities. It is well settled that MERS may serve as mortgagee without holding the promissory note and has the authority under the terms of the mortgage in this case to assign it. See Ingram v. Mortgage Electronic Registration Systems, Inc., 94 A.3d 523, 528 (R.I. 2014); Bucci v. Lehman Brothers Bank FSB, 68 A.3d 1069, 1085-89 (R.I. 2013).

Accordingly, the plaintiffs' appeal is denied and dismissed.

Entered as an Order of this Court on this 25th day of September, 2014.

By Order,

_____/s/_____
Clerk



RHODE ISLAND SUPREME COURT CLERK'S OFFICE

Clerk's Office Order/Opinion Cover Sheet

TITLE OF CASE: Donovan C. Woodruff et al. v. Mortgage Electronic Registration Systems, Inc. et al.

CASE NO: No. 2013-207-Appeal.

COURT: Supreme Court

DATE ORDER FILED: September 25, 2014

JUSTICES: Suttell, C.J., Goldberg, Flaherty, Robinson, and Indeglia, JJ.

WRITTEN BY: N/A – Court Order

SOURCE OF APPEAL: Providence County Superior Court

JUDGE FROM LOWER COURT:
Associate Justice Bennett R. Gallo

ATTORNEYS ON APPEAL:
For Plaintiffs: George E. Babcock, Esq.
For Defendants: Dean J. Wagner, Esq.